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ABSTRACT

Evolving from a working conference, this volume examines three areas basic to preservice teacher preparation. Specifically, the conference explored (1) the literature and research that informs and supports law-related education; (2) the knowledge, skills, and abilities that teachers need in order to teach law-related education effectively; and (3) the access points and strategies for making law-related education an integral part of preservice teacher education. The following papers are included: "Making LRE an Integral Part of Preservice Teacher Education Programs" (D. Naylor); "Lessons about Teacher Training" (L. Arbetman); "The Challenge of Teacher Education Reform" (H. Gideonse); "Civic Competency: A Natural Nexus with Law-Related Education" (J. Nelson); "Using Law-Related Education to Facilitate Students' Learning in Critical Thinking" (F. Rogers); "School Climate: Research Insights for the Education of Social Studies Teachers" (M. Hepburn); "LRE and Delinquency Prevention: Implications for Preservice Education" (R. Hunter); "Law-Related Education Research: Curriculum, Teaching, and Learning" (D. Skeel); "What Do Secondary School Teachers Need to Know?" (S. Rose); "Knowledge Base for Preservice Education Teachers of Law-Related Education at the Middle School Level" (C. Butler); "Citizenship Education in Elementary Schools: Preparing the Classroom Teacher" (A. Gallagher); "A Law-Related Approach to Foundations of Education" (L. Fischer); "Law and the Preservice Curriculum: A Proposed Curricular Model" (E. Walter Miles); "Law-related Education: The Link with Clinical Experiences in Teacher Education" (P. Maxey Fernlund); and "LRE in Elementary Social Studies Methods Textbooks and Courses: Perspectives, Issues, and Recommendations" (D. Naylor). (DB)

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Law-Related Education and the Preservice Teacher

Charlotte C. Anderson
David T. Naylor
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American Bar Association
Special Committee on Youth Education for Citizenship

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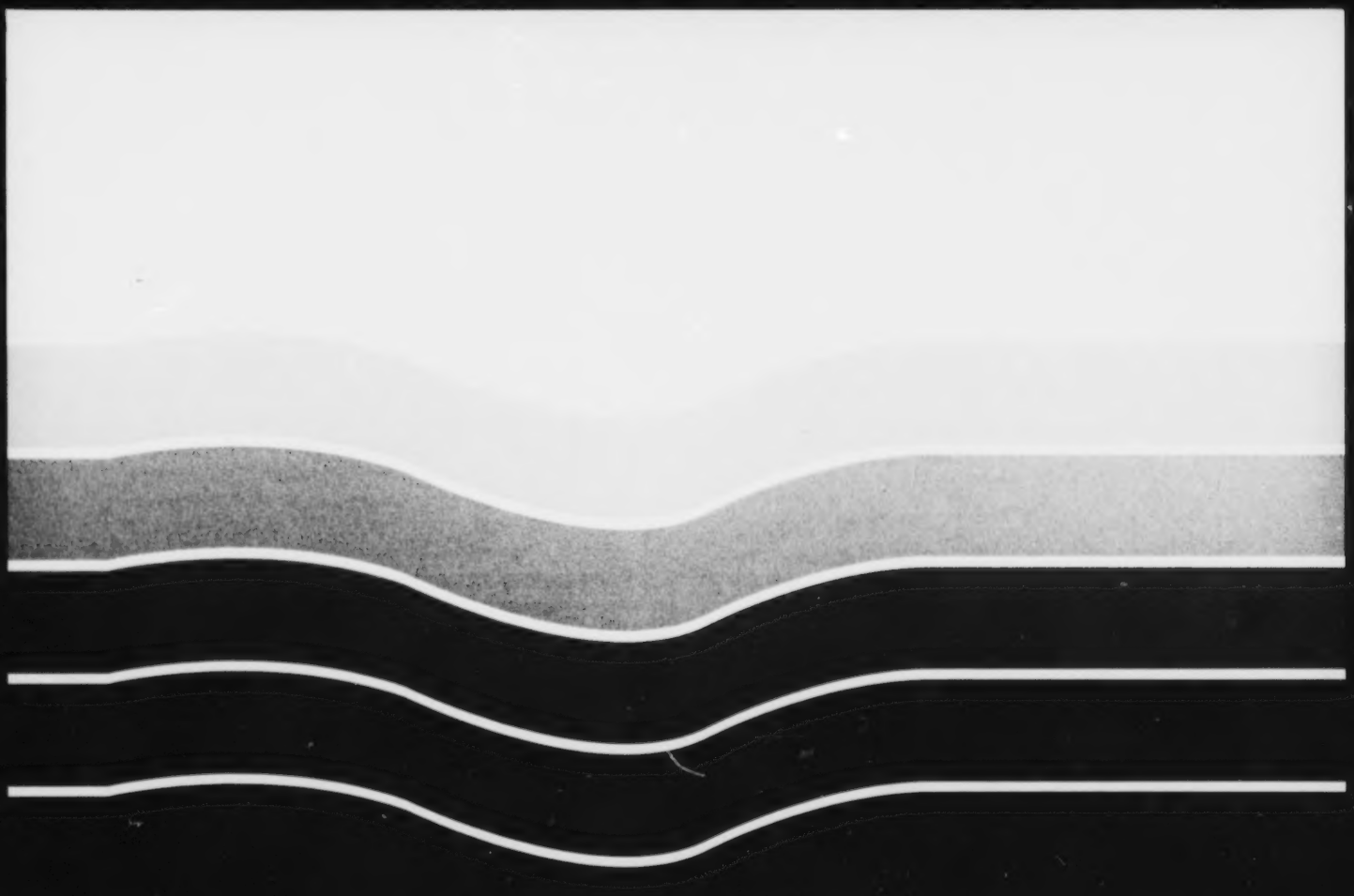

Law-Related Education and the Preservice Teacher

Charlotte C. Anderson
David T. Naylor
Editors

American Bar Association
Special Committee on Youth Education for Citizenship

American Bar Association
Special Committee and Advisory Commission
On Youth Education For Citizenship

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CONTENTS

v Preface

I. CONTEXT

3 Overview

5 *Making LRE An Integral Part of Preservice Teacher Education Programs*
David T. Naylor

9 *Lessons About Teacher Training*
Lee Arbetman

13 *The Challenge of Teacher Education Reform*
Hendrik D. Gideonse

17 Continuing the Dialogue...

II. THEORETICAL UNDERPINNINGS

21 Overview

25 *Civic Competency: A Natural Nexus with Law-Related Education*
Jack L. Nelson

35 *Using Law-Related Education to Facilitate Students' Learning in Critical Thinking*
Frederick A. Rodgers

41 *School Climate: Research Insights for the Education of Social Studies Teachers*
Mary A. Hepburn

49 *LRE and Delinquency Prevention: Implications for Preservice Education*
Robert M. Hunter

63 *Law-Related Education Research: Curriculum, Teaching and Learning*
Dorothy J. Skeel

69 Continuing the Dialogue...

III. KNOWLEDGE BASE

75 Overview

77 *What Do Secondary School Teachers Need to Know?*
Stephen A. Rose

87 *Knowledge Base for Preservice Education Teachers of Law-Related Education at the Middle School Level*
Charles E. Butler

95 *Citizenship Education in Elementary Schools: Preparing the Classroom Teacher*
Arlene F. Gallagher

107 Continuing the Dialogue...

IV. CURRICULUM COMPONENTS

113 Overview

115 *A Law-Related Approach to Foundations of Education*
Louis Fischer

123 *Law and the Preservice Curriculum: A Proposed Curricular Model*
E. Walter Miles

129 *Law-Related Education: The Link with Clinical Experiences in Teacher Education*
Phyllis Maxey Fernlund

137 *LRE in Elementary Social Studies Methods Textbooks and Courses: Perspectives, Issues and Recommendations*
David T. Naylor

149 Continuing the Dialogue...

PREFACE

Over the past decade, the education community has devoted much of its attention and energy to issues relating to the reform and restructuring of the education enterprise. Those of us interested in law-related education have carefully followed the debate, weighed the suggested solutions, and adapted to the changing educational climate.

Teacher education emerged from this discussion as essential to the success of school programs. Our belief in that tenet is clear and well-documented. Over the years, law-related educators have devoted much time and effort to developing teacher competencies in both content and pedagogy. However, much of this effort has been aimed at the inservice teacher; little attention was directed to the preservice curriculum.

To address this need, the American Bar Association Special Committee on Youth Education for Citizenship conducted an invitational conference—Working Conference on Preservice Preparation for Teaching Law-Related Education—at the University of Cincinnati. Forty educators from across the country participated in a lively and interactive exchange of ideas.

The purpose of this working conference was to take a first look at three areas basic to preservice teacher preparation. Specifically, the conferees explored (1) the literature and research that informs and supports law-related education; (2) the knowledge, skills and attitudes that teachers need in order to effectively teach law-related education; and (3) the access points and strategies for making law-related education an integral part of preservice teacher education. We called this a "working conference" because we anticipated the need to allow the ideas expressed within the papers and small group deliberations to mature and take hold in our thoughts. This book documents our collective effort to map out the terrain of the preservice teacher education program as it concerns law-related education.

This book has been organized to assist the reader in joining and continuing the dialogue started at the working conference. Each section opens with an "overview" that provides a context for the series of papers that follow. Sections are concluded with a "continuing the dialogue" that shares many of the questions raised by the conferees as they deliberated in small groups. These sections are suggestive of the on-going need to seek clarification of issues and ideas, as well as solutions.

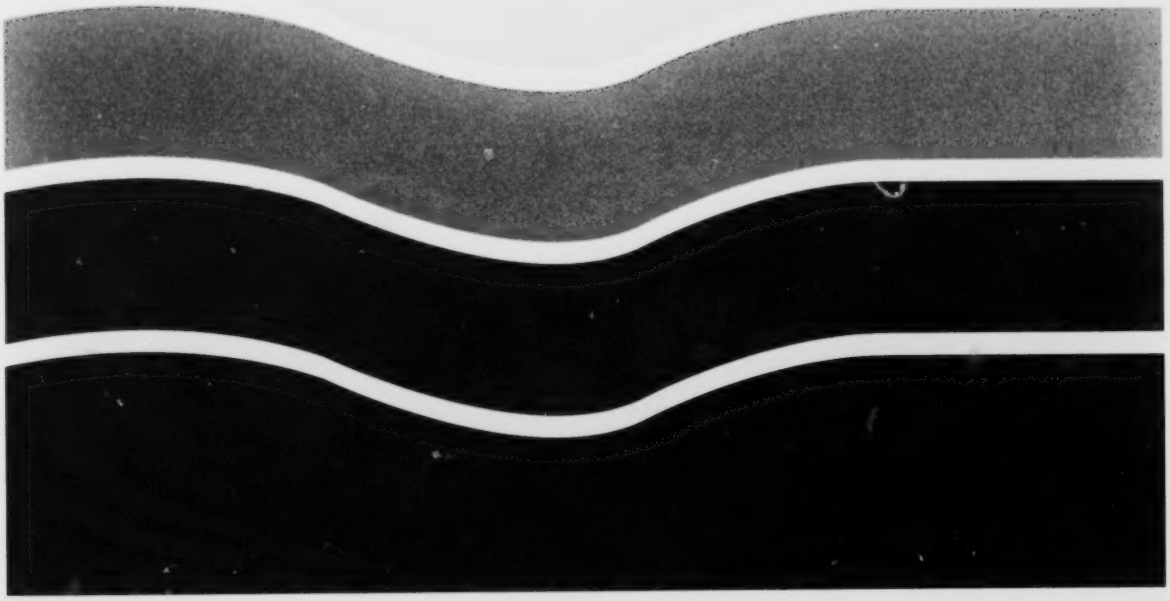
My special thanks go to each of the presenters and participants. Their substantial, energetic and insightful contributions were key to the conference's success. My appreciation and gratitude are extended to Charlotte Anderson and David Naylor both for their efforts in coordinating the conference and in editing this book in a manner which captures the spirit and intensity of the conference while inviting continuing dialogue. I also wish to thank the College of Education of the University of Cincinnati for its assistance in conducting the conference and the U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention for providing the financial support through its grant number 85-JS-CX-0003 that made

the conference possible. Lastly, I salute the members of the Teacher Education Board—Charles E. Butler, Phyllis Maxey Fernlund, Arlene F. Gallagher, David Schimmel, Dorothy J. Skeel, and its chairman, David Naylor. This conference had its genesis in their deliberations, and they provided it with the structure, direction and dedication that made it a reality.

The Working Conference on Preservice Preparation for Teaching Law-Related Education was but a beginning. We hope that the readers of this book will share in our efforts by joining with us in a "continuing dialogue." Share with us your reactions, concerns and ideas and join us in carrying forward this important work.

Mabel C. McKinney-Browning
Staff Director
Special Committee on Youth Education for Citizenship

CONTEXT



OVERVIEW

Each of the three authors in this section uses a different set of lenses to examine the relationship between teacher education and law-related education. Naylor addresses preservice education, an area to which law-related education advocates have thus far given scant attention. Arbetman discusses inservice education, an area to which law-related education advocates have devoted much attention and resources. Gideonse focuses on teacher certification and preservice teacher preparation, areas that are currently undergoing much change nationally. Together, these three authors identify a number of issues, challenges, and prospects that those interested in law-related education cannot afford to ignore.

Naylor begins his article by explaining why he feels preservice education is important to the growth and development of law-related education and why this is a particularly propitious time for law-related advocates to give significant attention to preservice education. He then describes the current preservice initiative launched in the fall of 1987 under the auspices of the American Bar Association Special Committee on Youth Education for Citizenship. As part of that initiative, Naylor points out, a six-person consulting board has been appointed, three very broad, ambitious goals have been established, an initial conference has been held (in April 1988), and subsequent activities have taken place, including a special issue of *LRE Project Exchange* and related discussions at the 1988 and 1989 National LRE Leadership Seminar. He concludes by urging all who are interested in law-related education to join forces in a concerted, coordinated endeavor to help make law-related education an integral part of preservice teacher education preparation.

Arbetman discusses lessons gleaned from the Office of Juvenile Justice and Delinquency Prevention funded teacher training project, a project jointly conducted by five national law-related education organizations. He points out that, in 1983, project leaders reshaped this program to conform with findings obtained from independently conducted law-related education impact studies. Since then, he notes, the project has functioned as a successful law-related education training and dissemination effort providing broad-scale training to teachers and resource persons throughout the United States. Based on project experiences, Arbetman identifies several key elements of successful law-related education teacher training programs. According to him, programs need to be clearly focused and goal oriented, to explicitly model the outcomes sought, and to incorporate the five components of the Showers-Joyce staff development model.

Gideonse provides an overview of teacher education reform and discusses its implications for a law-related education preservice initiative. He begins by describing the wide range of approaches to teacher training that currently exists and discusses both the political and professional impetus behind some of the proposed reforms. He then turns

to a consideration of teaching as a profession, maintaining that law-related education is enhanced as teaching moves closer to attaining the status of a profession. Gideonse identifies three elements that are needed for teaching to become a profession—specialized knowledge, a clear understanding of the deep social value that the profession serves, and control of the conditions of practice and standards for entry into the profession. He concludes by urging law-related advocates to lend their support to those current reforms that hold the most promise for elevating teaching to the status of profession.

—D.N.

Making LRE an Integral Part of Preservice Teacher Education Programs

David T. Naylor

Introduction: The Importance of Preservice Education

Teacher training has long been a central focus of law-related education (LRE). Recognition of its importance was clearly reflected in the activities of Isidore Starr and other law-related education pioneers during the later 1950s and early 1960s. Teacher training was emphasized in the influential 1975 report *Law-Related Education in America: Guidelines for the Future*, published by the ABA's Special Committee on Youth Education for Citizenship. That report stated:

> Effective teacher training is the most important component of law-related education. While lawyers, judges, and law enforcement officials can help by making occasional classroom visits, only teachers can be expected to bear the instructional burden and implement the goals of law-related education. ... Therefore, special training for classroom teachers is necessary (pp. 31-32).

Given the importance of teacher training, it is not surprising that inservice teachers have been the primary focus of law-related education proponents. After all, inservice educators are already teaching in our nation's elementary and secondary classrooms. If law-related education was to have any impact on schools, LRE leaders reasoned, those currently teaching in our nation's classrooms needed to become aware of law-related education, to recognize its potential, and to be prepared to teach it effectively. These efforts met with success. In 1985, Carole Hahn published results of her survey of the 46 members of the Council of State Social Studies Specialists (CS4) of the National Council for the Social Studies. Based on their responses, she reported that the "biggest change since 1977 is that law programs are more in use than many of 'the new social studies' projects" (p. 221).

To date, inservice teachers have received most of the attention and resources. Nevertheless, the importance of integrating LRE into preservice teacher education programs must not be overlooked. Preservice teachers will be in our classrooms in the future. They are critical to the long-term success of LRE. Hence, it is both logical and prudent to make instruction in LRE a standard part of the training received by all who are about to embark on a teaching career. If we do, the potential for LRE to become a meaningful part of elementary, middle level, and secondary school curricula will be nearer to realization. In addition, much of the financial burden of teacher training in

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LRE can be alleviated and LRE projects will be strengthened by having a teacher constituency in the schools that is sensitized to the nature and value of law-related education.

An Opportune Time

This is a particularly opportune time to launch an LRE preservice initiative. Many parts of our country are currently experiencing teacher shortages. In the future, widespread needs for new teachers are anticipated throughout the nation. In 1986, the Carnegie Forum on Education and the Economy published the report of its Task Force on Teaching as a Profession entitled *A Nation Prepared: Teachers for the 21st Century*. It reported that "by conservative estimates... [b]etween 1986 and 1992, 1.3 million new teachers will be hired" (p. 31).

Amidst widespread reports of teacher shortages we are also experiencing a period of reform in teacher education. Many colleges and universities are currently reexamining and redesigning their teacher preparation programs. Law-related education needs to be represented in that process and included in the redesigns that will emerge. Clearly, the opportunities for launching a successful preservice initiative exist. We need to capitalize upon them.

The Preservice LRE Initiative

In recognition of this situation, the ABA's Special Committee on Youth Education for Citizenship (YEFC), with support from the Office of Juvenile Justice and Delinquency Prevention (OJJDP), is spearheading the current preservice LRE initiative. A six-person consulting board was appointed in the summer of 1987 to help direct YEFC preservice activities. Members of the board include Charles Butler (University of Oklahoma), Arlene Gallagher (Boston University), Phyllis Maxey Fernlund (California State University at San Bernardino), David Naylor (University of Cincinnati), David Schimmel (University of Massachusetts at Amherst), and Dorothy Skeel (Peabody Vanderbilt University). I serve as chairperson of this consulting board.

At its first meeting in September 1987, consulting board members identified three enormously ambitious but significant goals:

1. All graduates of a teacher education program shall be aware of law-related education, prepared to teach it effectively, and committed to doing so.
2. All faculty involved in teacher education programs—schools of education and arts and sciences faculty alike—shall be aware of and committed to law-related education.
3. Schools of higher education shall recognize the value of law-related education and demonstrate commitment to it.

From these three goals, a series of objectives was developed, and activities needed to implement each specific objective were outlined. Principal among the activities was a conference at which those in attendance could critically examine factors judged to be important to the success of a preservice initiative and identify implementation plans.

Conference on LRE and the Preservice Teacher

The University of Cincinnati hosted the recommended conference in April 1988. Approximately three dozen participants, most of whom were university professors, met to examine four central thrusts of the preservice initiative:

1. the implications of the current teacher education reform movement for this effort;
2. the nature of the LRE research base that undergirds and supports this initiative;
3. the knowledge, skills, attitudes, and values that teachers need to teach LRE effectively; and
4. the access points and strategies for making LRE an integral part of preservice teacher education programs.

The format of the conference was designed to promote broad participant involvement. A series of "working papers" was first presented during thematic panel sessions. Following each of these sessions, participants met in small discussion groups to reflect on the general theme of the session and the points raised by the panelists and to consider the implications of that theme for making LRE an integral part of preservice teacher education programs. This was followed by a large group session in which each group reported on its deliberations and participants shared their reactions to points that were raised.

Following the conference, authors were asked to expand their "working papers" into full-length articles, drawing on the conference discussions as appropriate. They are included in this publication and are intended to serve as catalysts for further consideration and development. That is the purpose of the "Continuing the Dialogue" segment following the cluster of articles in each section of this book. It is hoped that these dialogues will stimulate LRE project leaders and others interested in LRE to offer reactions, additional perspectives, and suggestions to the issues raised here.

Post-Conference Activities

Various steps have been taken since the Cincinnati conference to stimulate greater interest and broaden the level of involvement in the LRE preservice teacher education initiative. For example, in addition to this book, the Winter 1989 issue of LRE Project Exchange was devoted to the preservice initiative. It contained articles describing the nature and purpose of the preservice initiative (including an earlier version of this article) and a series of short articles illustrating creative ways that LRE is being incorporated into teacher preparation programs in colleges and universities. Articles addressed LRE in methods courses, in clinical settings (including student teaching), and in arts and sciences courses.

Several LRE conferences have enabled more educators to become involved in this initiative. Two sessions at the 1988 National LRE Leadership Seminar in Orlando, Florida specifically dealt with the preservice teacher education initiative. At one session, participants shared perspectives regarding what they believed elementary, middle level and secondary teachers need to know to teach LRE effectively (the topic of the third section of this book). At the other session, participants reviewed examples of successful approaches and shared ideas regarding potential opportunities and barriers as well as strategies for initiating a preservice effort in conjunction with colleges and universities. In May 1988, teacher education was the subject of one of the five concurrent discussion groups at the Advanced LRE Leadership Development Retreat in Chicago. Members of that group jointly explored a range of issues, including the special roles that colleges and universities play in LRE teacher education, identified obstacles that prevent realization of these roles, and suggested steps that could be taken to overcome or deal with those obstacles.

One result of these discussions has been greater attention to the role of research in LRE and its relationship to teacher education. Research was the focus of a session at both the 1989 National LRE Leadership Seminar in St. Louis and the 1991 National LRE Leadership Seminar in Newport Beach, California. Additionally, a small invitational seminar for those interested in LRE research is planned for Spring 1991.

As the LRE preservice teacher education initiative continues to develop, it is particularly important for those who are interested in LRE to become a part of this effort. Help us raise—and respond appropriately to—the hard but essential questions and issues and develop appropriate strategies to address them successfully. You have an important role to play. Together we can do much to make LRE an important and integral part of the curriculum at virtually every grade level in our nation's schools—elementary, middle, secondary, and college.

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Lessons About Teacher Training

Lee Arbetman

Introduction: Evaluating LRE Impact and Institutionalization

From 1981 through 1983, the Justice Department's Office of Juvenile Justice and Delinquency Prevention (OJJDP) funded five national law-related education organizations and two evaluation organizations to assess the impact of law-related education (LRE) on the prevention of juvenile delinquency. The five national organizations were:

- American Bar Association Special Committee on Youth Education for Citizenship, Chicago, Illinois (ABA)
- Constitutional Rights Foundation, Los Angeles, California (CRF)
- Center for Civic Education/Law in a Free Society, Calabasas, California (CCE/LFS)
- National Institute for Citizen Education in the Law, Washington, D.C. (NICEL)
- Phi Alpha Delta Public Service Center, Bethesda, Maryland (PAD)

The evaluators for the project were:

- Center for Action Research, Boulder, Colorado
- Social Science Education Consortium, Boulder, Colorado

In addition to information on LRE's impact on the prevention of delinquency, the evaluators sought preliminary information on how LRE programs were being institutionalized (i.e., made a permanent part of the school program).

The precise results of the study are too detailed to set forth completely here, but they can be briefly summarized: (a) LRE, in addition to its impact on students' knowledge gain, has the potential to affect student behavior; (b) some of the classes studied showed improved student behavior, some showed no change in behavior, and a few showed deteriorating behavior; (c) changes in behavior were not directly related to knowledge gain but rather were associated with the presence of a series of six factors. The relationships between those six factors are displayed in Figure 1.

Lee Arbetman is Associate Director, National Institute for Citizen Education in the Law, Washington, D.C.

Figure 1

Characteristics of LRE Classes That Prevented Delinquency

1. *Adequate Preparation and Use of Outside Resource Persons*	The most powerful predictor of behavior change in the classes studied was proper training and use of resource persons. In the best classes, visitors fitted their presentations into the sequence of course materials, used interactive strategies, and presented a balanced picture of the legal system (see characteristic 3, below). In addition, students were well prepared for the resource person.
2. *Quality and Quantity of Instruction*	Teachers in the most effective classes were able to get their students on task quickly, after having stated objectives clearly and established a mental set for the lesson. During their lessons they also checked frequently for understanding and provided ample opportunities for students to demonstrate mastery of the material.
3. *Judicious Selection and Presentation of Illustrative Material and Management of Controversy*	In order for students to bond to society's norms, they should understand that we have a need for laws and rules, that there are good reasons for most laws, and that there are orderly procedures for changing unfair laws. In addition, cases used in classes should depict the system in a balanced and realistic manner, and discussions of controversial issues should include all legitimate points of view.
4. *Active Participation and Student Interaction*	In successful classes teachers carefully built a substantive foundation before engaging students in activities and, when appropriate, used small group and cooperative strategies to encourage student-to-student interaction.
5. *Involvement of Building Administrators*	The outstanding LRE classes came from schools where building and district administrators understood the substance, methods, and rationale for LRE. They assisted teachers in obtaining resources, including guest speakers, and facilitated field experiences. They also avoiding undermining the program by loading LRE classes with known troublemakers.
6. *Professional Peer Support*	Teachers of successful classes tended to come from schools where teams of teachers had attended training and where there were ongoing opportunities for LRE staff development.

The evaluation phase of the OJJDP study identified some "quality control" characteristics allowing training to be tailored to a series of prescriptions. Equipped with this knowledge, in 1983 the office reshaped its LRE program into a training and dissemination effort. As of 1987, the effort had reached more than 10,000 teachers in 34 states.

An LRE Teacher Training Model

In providing broad-scale training to teachers and resource persons across the country, we were initially confronted with two major obstacles: teachers, on the one hand, tended to know relatively little of the substance of law-related education (i.e., the law), while resource persons, on the other hand, tended to know little about effective ways to present the substance (i.e., interactive teaching methods). For this reason, much of the training that has been delivered has involved teams of teachers and resource persons attending the sessions together.

In terms of what we have learned thus far from our training effort, there seem to be three lessons: (a) to change teacher practices, one needs to provide more than a "dog and pony show" at conferences and workshops, (b) careful debriefing after lessons is a skill that is in very short supply and must be taught to trainers, and (c) the motto for presenters must be, "If you want it, train for it."

Training That "Takes": The Essential Components

The research on effective staff development conducted by Beverly Showers and Bruce Joyce, reported in a series of articles in Educational Leadership (Showers, Joyce, and Bennett (1987)), has generally seemed persuasive to us. From their work we have instructed our trainers to design training/staff development programs that encompass five components. According to Showers and Joyce, the greater the presence of these components, the more likely the training is to "take"—that is, the more likely it is that teachers will demonstrate the newly taught skills in their classrooms. Those components are:

1. Presentation of theory. Questions asked are: What is LRE? What outcomes can be expected? Why does it work?
2. Modeling, or demonstrating lessons. Teachers and resource persons are asked to, in effect, play the roles of students in interactive lessons demonstrated in training sessions.
3. Practice with methods. Teachers have an opportunity to try out new methods in a controlled environment.
4. Feedback. Teachers receive information from the practice session on how well they presented the new instructional strategy.
5. Coaching. Trainers work with the teacher in the school setting to prepare and, if necessary, present the new type of strategy to students.

Inservice or staff development sessions that incorporate all five of these components will certainly look different from a traditional LRE "awareness" session. Clearly, more contact time will have to be spent with teachers, and some of the time may have to be outside of the confines of traditional training. For instance, time may be spent first in the teachers' lounge to co-plan a lesson and then in the teacher's classroom where the trainer and teacher may co-present a new method.

Implementing the Effective Teacher-Training Model: A Debriefing Scheme

The OJJDP design permits training to incorporate the Joyce and Showers components since each state is encouraged to send a team of trainers to Washington, D.C., each summer for a week-long intensive institute on training skills. Then these cadres of trainers return to their states, where they are able to deliver training to teachers at the grassroots level. It should be obvious that trainers from the national LRE projects are not in a position to provide this grassroots assistance.

From working with these trainers, as well as from working with the staff and consultants from the national LRE projects, we have learned that most presenters have very little idea what to do when they are told (as they always are) that LRE lessons should be carefully debriefed. We have come up with a fairly straightforward scheme for thinking about debriefing an interactive LRE lesson, which goes as follows.

Once the activity part of the lesson has been completed (e.g., a role play or the work students do together in a small-group setting), we ask our trainers to ask the participating teachers and resource persons in the training setting the same questions they would ask students had the same lesson been demonstrated in a classroom. Because most of our trainers are experienced classroom teachers, they are quite good at this. However, these questions are not sufficient.

Next, we ask our trainers to think of the participants in their regular role as teachers and to ask them the following set of questions (not necessarily in this order):

- What was the power of the method? What actually made it work?
- What are the potential *barriers* to proper use? Even if the lesson went perfectly in the training setting, what kinds of things can go wrong in the classroom and how can they be avoided when teachers try the lesson?
- What *foundation* of knowledge and skills must the students have before they could have success with this lesson?

- What *follow-up* activities and experiences could teachers provide to strengthen the impact of this lesson?
- Where does this lesson *fit* into the curriculum used by the teachers attending the session?

Modeling LRE Training: The Benefits of LRE for School Systems

Finally, we have learned that when one trains teachers and resource persons to implement law-related education in classrooms, the training should model explicitly what outcomes are desired when the program is implemented. For example, if trainers want their teachers to use resource persons in classrooms, they should (a) use resource persons in the training sessions, (b) use the resource persons *correctly* in the training, and (c) explain the rationale for using resource persons in the classroom. The motto of our training has been, "If you want it, train for it."

We have found that school systems are receptive to law-related education because properly implemented programs can reduce juvenile delinquency, because the strategies of LRE promote critical thinking, and because LRE develops citizenship knowledge and skills. We also believe that part of the receptivity to LRE comes from education leaders who realize that the teacher training this effort provides can revitalize a segment of their instructional staff. This revitalization occurs because the training, like the programs to be implemented in classrooms, is based on the notion that "democracy is not a spectator sport."

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The Challenge of Teacher Education Reform

Hendrik D. Gideonse

Introduction: What Is Teacher Education Reform?

What are the implications of teacher education reform for the preservice law-related education initiative? The quickest way to get into that question is to contrast four current teacher training approaches that exist in four real states. The options range from the ridiculous to the sublime.

The ridiculous I can speak to first hand through recent contact with the Massachusetts Association of Colleges for Teacher Education, where I learned a great deal about one small facet of their approach. Massachusetts actually has an option permitting one to start teaching with nothing but a liberal arts degree and an academic major. You don't have to have any professional preparation at all. You have to *start* doing some preparation after you begin, but you don't have to have anything before you begin.

Move south and west to New Jersey, a state I also know something about. In New Jersey, you can now become a teacher with a couple of hundred clock hours of professional preparation prior to entering the classroom—essentially just a liberal arts degree.

Texas, "in its wisdom"—a phrase those of us on congressional staffs learned to say about legislators and legislatures—has passed a law that, as of 1991, will cap at 18 semester hours the amount of professional preparation that new teachers may have, and that 18 hours sequence includes student teaching.

Finally, here in Ohio, to prepare for the secondary level, which is lighter than elementary, we require half a dozen courses in educational psychology and educational foundations. We require work in exceptionalities and mainstreaming, in media, and in administration, and a three-course sequence that deals with instructional methodology, classroom and behavior management, and specialized methods in the subject matter area. On top of that is a quarter of student teaching. Practicum experiences must total 300 hours before one goes to student teaching, so it is a 600-hour clinical experience in all. (Contrast that to Massachusetts with its 150-hour requirement.)

These four examples suggest the great range that now exists in America in teacher education. Yes, we are going through a period of reform. More specifically, what does that mean? Reform includes such

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things as raised admission standards and monitoring students' grade point averages and the kinds of performances that they are required to display with respect to basic skills.

A second point has to do with exit testing. Who would have thought that in ten years, almost two-thirds of the states would have now defined exit tests for teachers? That movement is not going to stop. Ultimately all 50 states will have exit testing.

Third, curricular changes of many different kinds have been enacted. Curricular changes, in some instances, have increased qualifications and expectations. Some, as Texas has, have dramatically decreased the amount of work that is done in professional preparation. Fourth, work has been done to create incentives—for example, scholarships, loans, and forgiveness programs aimed at enticing people to enter teaching who might not otherwise.

A fifth reform has been to create alternative routes to certification so that people who make career changes can enter teaching without having to go through a full baccalaureate program. Alternative approaches range all the way from a few hundred hours of work to a full-year-and-a-half of work. The point is to make it possible for someone who wants to stop being an engineer and start being a physics teacher at age 28 or 35 to come into the teaching profession with some speed and efficiency.

Political Ramifications

The reform movements can also be classified in two other ways. One is to note *political* moves to reform, typically led by legislatures but often led by state boards that are responsive to electorates as well. Among the political reform efforts, for example, might be listed teacher testing. It did not come from the profession but from legislatures, from administrative heads, from the top of the state system, or from state boards of education. The Texas 18-hour maximum is a classic example of politically based "reform." New Jersey's alternate route was clearly a political move, in several different ways. It was the governor who had some interest there. The state commissioner had some interest there. There were battles between the lower education establishment in New Jersey and the higher educational establishment administratively. There was an attempt to divide and conquer the teachers' associations, the AFT and NEA affiliates, in what I think was a rather cynical way. But clearly the impetus there was political, not professional.

Professional Ramifications

The second way to look at the reform movement is in terms of its professional roots. There are a number of developments on the professional side. Let me identify just a few.

NCATE's New Standards

The National Council for Accreditation of Teacher Education (NCATE) is the voluntary accrediting association that develops and applies national standards for teacher education institutions. It includes in its governance the teacher organizations (AFT and NEA), teacher educators, chief state school officers, representative specialty organizations, lay policy leadership, and a public member. The point of NCATE's governance body is that the associations representing the teaching and education profession at its very top are represented. NCATE has recently defined a new set of standards, a new governance process, and a new set of procedures for assessing teacher education which are now very much in their initial implementation phases.

Three themes guide NCATE's professional initiative in teacher education. One is that there are knowledge bases for the profession that will be the core of professional preparation programs. The second theme is embodied in a category of standards defining the relationship to the worlds of practice. Here is that wonderful, delicate, sometimes fractious tension between the world of the academy and the world of schools.

The third theme in NCATE'S reform is the notion that instead of accrediting programs, NCATE accredits units—teacher education units. What does that mean? You could read for unit "institution," but unit is a concept rather than an organizational entity. The concept, essentially, is that if there are knowledge bases, then all the professional knowledge bases that are pertinent to preparation must be tapped in the governance and decision making about teacher education. The unit is the place where that happens.

The Holmes Group Proposals

Let me speak briefly to a second professional initiative, that which takes the form of the Holmes Group. The Holmes Group, of course, is an organization of research-oriented institutions across the country. The premise is that if these are the institutions where the knowledge about teaching and learning and school organization and support of schooling is being created, then they have a special obligation to attend to the training of teachers as well.

A core notion in Holmes is that knowledge bases for the profession are substantial, that they encompass three goals: a liberal education, subject matter expertise, and professional knowledge. A second is that there is so much knowledge: teacher education can no longer be done in a baccalaureate program. Third, teacher education cannot be reformed without attending to

the schools in which teaching takes place. Do these themes sound familiar? They are! No one has cornered the market on the concepts. What is heartening about it, with whatever competition and tension that may exist now and then between one or another group that is initiating the reform, is that on the professional side there seems to be a lot of commonality in the changes that are being talked about.

State Professional Standards Boards

There are political manifestations of professional initiatives for teacher education reform, for example, in the proposals for the creation of professional standards boards. The idea is that the entry standards for teaching and all the other professional education roles ought to be defined by the members of the profession, with some representation of lay bodies, to be sure. Those who know the profession ought to be the ones who define its standards. Such initiatives are being pursued at the state level.

The National Board for Professional Teaching Standards

At the national level, we see the initiative that came out of the Carnegie proposals to create a National Board for Professional Teaching Standards. This proposal is based on the idea that there are things that good teachers know and that what good teachers know ought to be recognized through some kind of higher form of voluntary certification. Teachers would present themselves for examination of some kind—not just paper and pencil, but practical. Those who met those standards would receive that national certification. It is a way of raising the plateau of expectation and performance. These are all examples of professional thrusts for reform in teacher education.

The Meaning of "Professional"

What do I mean when I say *professional*? Philosopher Thomas Green, at Syracuse University, talks about a profession having three elements. One is specialized knowledge. The second is clear understanding of the deep social value that it serves. And third is the control of the conditions of practice and the standards for entry into that profession.

The specialized knowledge of teaching includes a liberal education. There are many reasons for stressing this point. You cannot serve your own culture unless you understand it and its relationship to others. Furthermore, teachers are models. Therefore, if they are educators, they had better be educated. There are also some practical reasons for being well educated. Teachers make decisions all the time. They make important social, value, political, and even constitutional decisions, and they had better be broadly educated to make them with understanding and care.

Second, teachers teach something. They had better understand the subject matter that they are teaching. That goes without saying, but apparently it was not said often enough 20 years ago, and so we are saying it again now and doing something about it.

Let me consider for just a moment, though, the difference between a math major and a math teacher. Both need to know math. But, in addition, the math teacher needs to understand how mathematics as a field is structured relative to the cognitive level of the material there. Some of the learnings are simply associational. Some pertain to higher order cognitive processes. Which are which? You need to know if you are going to be teaching mathematics. This, therefore, is a second kind of knowledge about math that math teachers need to have. A third kind of information they need to have is a substantial knowledge of all the materials for teaching mathematics that are available so they can make reasonable choices. No one, no matter how autocratic the school district, is obliged to do only what he or she is told to do. If you know other things, you can supplement and bring them in. Sometimes teachers have all sorts of real choices, not just marginal ones. In short, teachers have to know the curriculum materials available to make the decisions they need to make. And lastly, every field has its own particular pedagogical requirements. Biology, for example, worries about semipermeable membranes and photosynthesis and issues about evolution. As for all other fields, teachers of biology must be very familiar with the strategies and tactics for teaching those concepts that are unique to their particular subject matter. When all these things are added together, it looks as though the subject matter expertise that we expect of teachers is really quite a lot more than just the major that they took, courtesy of arts and sciences.

Finally, there is professional knowledge, which includes such concerns as knowledge about learning, curriculum, instructional methods, media and characteristics of learners, behavior and classroom management, measurement and evaluation, the institutions and means of support for teaching, and so on. These three—liberal education, subject matter, and professional expertise—constitute the specialized knowledge of the teaching profession. Clearly, if we are serious about all of that kind of knowledge, it is going to take a considerable amount of time and attention. Can it continue to be squeezed into four years?

As for Green's third element essential for a profession—the control over conditions of practice and entry standards—clearly we do not have it now. It is one of the reasons why we are not yet fully a profession. How we are going to get there is complicated. Let me suggest some possibilities. One subject to keep an eye on is the notion of specialized knowledge—it may become the basis for making the decisions respecting

standards and conditions of practice. But we are clearly not there yet, in terms of control and conditions of practice. And we are not there on entry standards, either.

That leaves the matter of the deep social value served by teaching. I believe with every ounce of my being that the deep social value for teaching in this culture in our country is the reinvention of the republic. It is the redefinition of democracy in each succeeding generation. That noble calling still gives me chills when I talk about it, both because it is such a big responsibility and because it is so underaddressed today. The notion of that value as the one that we uniquely serve in teaching is something that I think needs to be restored. Either we need to restore it to ourselves in teaching, or the public needs to demand that we do so.

Planning the Future of LRE

So where are we? I know that you are serious about your specific concerns in law-related education. In the context of the teacher education reform movement, however, I would ask you to think about the difference between law-related education as an objective and law-related education as a goal. My sense is that you will not be able to attend to the immediate without addressing the ultimate, that the part will not fly unless it is considered in the context of the whole. What do I mean?

Law-related education, absent a broader context that is supportive, will not be successful in the long run. Unless teachers are liberally educated, they cannot provide law-related education in this culture. Unless they are deeply knowledgeable about their subject matter fields, they will be neither effective nor respected. If teachers are not professionally trained, then their capacity and effectiveness is diminished. In other words, you have a major stake in the teacher education reform movement. You must attend not only to the immediate concerns that you have for law-related education but to the larger ones of teacher education reform as well. That means pressing us in the profession to reattend to the deep social value that I believe we serve. That means insisting on reforms that recognize the three parts of the knowledge teachers need to have—liberal education, subject matter, and professional skills and values—and that allow sufficient life space to be able to accomplish all three. It means recognizing the true scope and complexity of, especially, the liberal education task. A liberal education is not just distribution requirements. It will emerge only if it seen as a curricular and instructional challenge, requiring careful design and implementation. Each part of the liberal education curriculum must support the others. All must support the goals and values that a given faculty decides, at that point in time, are the ones to which it is committed. It means recognizing that subject matter specialization for teachers not only serves to transmit knowledge but also is essential to learning the differences and responsibilities of depth as compared with breadth of understanding, an outcome without which one cannot be considered liberally educated.

Indeed, one of the classic problems of our society—which law does a great deal to mediate—is how different forms of expertise work their will in our society. In short, it is not possible to be liberally educated unless one understands expertise, and the only way to begin to understand it is to major in something oneself. So the major isn't just content, for teachers. It is also a part of their liberal education.

Conclusion

What does this all mean, then, for proponents of law-related education? It means that teacher educators need support for demanding standards for preparation. It means they need support for an adequate life space for teacher education so that the liberal education, subject matter, and professional expertise can all be accomplished. It means helping us restore that sense of purpose that defines the particular service we render a free society. And it means helping us assume responsibility through our expertise for defining the standards of entry and the conditions for responsible practice. These are the big issues fundamental to achieving the more specific aims of LRE. Educators are already involved in these deliberations, but the prospect of the involvement of bar associations and affiliated organizations is also very attractive. I welcome you to join us in addressing these tasks.

Citing examples of teacher education reform initiatives occurring throughout the various states, Gideonse illustrates the fervor of reform and its widespread, wide-ranging, and contradictory character. His perspective gives credence to the assertion that this is a propitious time for launching a preservice initiative in law-related education.

One of Gideonse's key points centers on the relationship of law-related education to teacher education reform overall. He asserts that law-related advocates "have a major stake in the teacher education reform movement," contending that unless current efforts to professionalize teaching are successful, law-related education will not be successful in the long run. Is his characterization accurate? How big a stake does law-related education have in the teacher education reform movement?

Gideonse sets forth his understanding of what it means to professionalize teaching, including key elements that constitute effective teacher preparation—a liberal education, subject matter expertise, and professional skills and values. In so doing, he raises a number of important issues. For example, how applicable to law-related education are each of the three elements that he identifies? What constitutes a liberal education? Can law-related education be effectively implemented by teachers who lack such an education? (Gideonse contends that they cannot.) What type of subject matter expertise is needed by those who would teach law-related education? How likely is it that preservice teachers will have the opportunity to acquire this type of expertise? Does the notion of subject matter expertise and Gideonse's assertion that "unless [teachers] are deeply knowledgeable about their subject matter fields, they will be neither effective nor respected" apply differentially to teachers at the elementary, middle and secondary levels? If so, how?

Gideonse speaks eloquently of teaching as a noble calling, a profession that bears responsibility for enabling the young to reinvent the republic and redefine democracy for themselves and their generation. Such a vision of teaching underscores the importance of law-related education. It is a vision that merits wider dissemination among all segments of the population.

Clearly, a preservice initiative presents law-related advocates with a new set of challenges and opportunities. Different constituencies and different environments are involved. College students, rather than elementary and secondary students, are the ones to be taught. College professors, rather than elementary and secondary school teachers, will bear primary responsibility for delivering the instruction. Finally, college degree and state certification requirements, rather than school district and state policies, will be the primary factors shaping curricular offerings.

Arbetman's article reminds us that a preservice initiative need not—and should not—be a de novo undertaking. Many of the important lessons gleaned from extensive experience with law-related inservice and inschool programs are applicable. Identifying those lessons should be a high priority for those advocating a preservice initiative.

During the 1970s, developing an awareness of law-related education was one of the primary goals of its advocates. To do this, they conducted national, regional, state, and local meetings to familiarize elementary and secondary school teachers and administrators with the

nature of law-related education and to stimulate interest in and enthusiasm for it. Most of these programs are characterized by Arbetman as "dog and pony shows," which used skilled presenters to demonstrate several practical and absorbing law-related activities.

This approach contributed significantly to the successful spread of law-related education. Does its success constitute one of the important lessons preservice advocates need to learn? Awareness is needed but will the approach that proved successful with elementary and secondary school educators be suitable at the college level? How do we develop awareness of law-related education among college faculty and prospective teachers and build their interest in and enthusiasm for it?

What type and how much of the "dog and pony show" approach is needed to win support among college faculty for a preservice law-related education initiative? What role, if any, should the "dog and pony show" approach play in a preservice teacher program? What are the advantages and limitations of this approach in these contexts? These are some of the key questions that need to be addressed.

Arbetman suggests that the need for explicit goals and objectives is an important lesson growing out of inservice experiences. Unless we are clear in what we hope to accomplish, he warns, it will not happen. Clarity and explicitness of purpose are important for those who would teach prospective teachers as well as the prospective teachers themselves. Thus, identifying those specific goals and objectives constitutes an important task for preservice advocates. What are those goals and objectives?

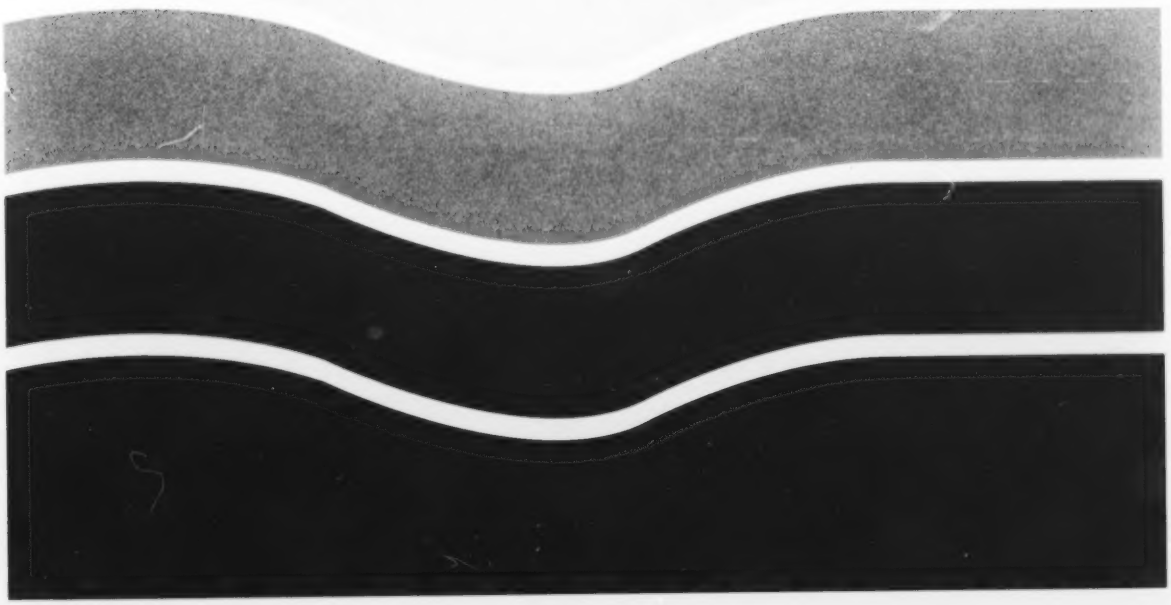
The importance of developing a reflective teacher is another of the lessons that Arbetman sees as emerging from experiences with inservice law-related education programs. It is not enough, he says, for a teacher to be able to replicate a law-related activity demonstrated by someone else. To teach law-related education effectively, a teacher must understand the nature of the activity, including its purpose, its key elements, its strengths and weaknesses, the conditions for effective implementation, and the criteria for assessing it. The question we need to consider in this context is whether this level of sophistication is a realistic expectation for preservice programs? If so, then what resources are needed to ensure that this level is attainable?

Arbetman reminds us that knowledge of law-related education is not enough. Developing implementation skills is also necessary. This means that prospective teachers will need frequent opportunities to develop the skills to implement law-related education effectively. But these skills are not acquired automatically. Practice under the guidance of a skilled mentor has long been stressed for teacher preparation programs, though not always realized. How can these skills be best fostered in preservice programs?

The perspectives Arbetman and Gideonse provide and the issues and questions they raise create a useful context for examining the nature and character of a preservice initiative in law-related education. Some of the questions identified here will be addressed in subsequent articles. The purpose of this publication (and this section of it in particular) to initiate and stimulate the dialogue. The dialogue does not end here; it continues, with many voices still to be heard.

—D.N.

THEORETICAL UNDERPINNINGS



OVERVIEW

This section focuses on the theory and research which undergirds law-related education. The first three papers discuss civic competency, critical thinking, and school climate—educational topics that are closely associated with law-related education. The research and theory that has grown up around these topics inform the development and implementation of quality LRE. The final two papers of this section treat the research and theory which focuses directly on law-related education.

In the opening piece in this section, Nelson argues that "Teachers ... require an education that is laden with examination of the continuing evolution of justice. Thus, law-related education in which justice is an essential element does not have a distant and tortured connection to the preparation of teachers, but a direct and obvious one." He notes that teachers must be able to infuse justice into the school climate in which they teach students to think critically (and justly) and, thus, achieve civic competence.

Nelson stresses the fact that, "civic competency, like the long term effort at citizenship education, is problematic because of historic semantic and ideological disagreements." He provides several examples of citizenship education being identified with the promotion of conformity and good deportment. Nelson argues that the term "civic education" may be a better term than citizenship education because, as he says, it "has somewhat less tarnish in vernacular use." He observes that the term "competency" was almost sacrificed to the technocrats of the "so-called competency based" education movement but is a "perfectly suitable term" if it is rescued from the technocrats. Nelson then proceeds to perform that rescue by stipulating that "competence is a dynamic concept, defying exact measurement, that incorporates abilities to understand, to critically examine, and to act upon events." After tracing knowledge relating to civic competence, Nelson concludes with this observation: "What law-related education can offer to teacher education, and to improved civic competence, is a focus on justice, its dynamics, and attendant concerns of ethics, human rights and civic obligations, and the thoughtful study of conflict and controversy."

Hepburn observes that the abbreviated research summaries that typically appear in teacher-read journals are, in her words, "short, shallow summaries." Such brief reports, she charges, "fail to contribute to a personal philosophy of education or to practical professional planning." Seeking to avoid this pitfall and, at the same time, contribute to "the literature and discussion of social studies teacher education," Hepburn provides comprehensive discussions of four studies of classroom climate that she finds to be particularly relevant to law-related education. These studies are the Lewin, Lippett, and White (1939) experiments on the effects of teacher-leadership style on classroom climate; the Halpin and Croft (1963) study of the organizational climate of the school; the Safe School Study (Boesel, 1978) of crime and violence in schools; and the studies of the implementation of Kohlberg's

"just community" within a high school setting (Wasserman 1977, 1980). Among the "clues for teacher education" that Hepburn discerns in these studies is that both teachers and administrators have many opportunities to shape climates that promote quality education. She also notes that a good school climate is one in which justice prevails and students' ideas are respected. Fortunately, the reader can turn to Hepburn's extended reports of these studies to identify the strategies that others have taken to create positive school climates and to check out Hepburn's conclusions.

Rodgers asserts that "students must learn to think critically about their actions and behavior in the community so that they act within the requirements of stated rules. Therefore, students must acquire skills that facilitate accessing and matching legal statements to the kinds of personal behavior they are expected to exhibit." In this way he sets up the argument that combining LRE with teaching critical thinking is both "feasible and desirable."

Rodgers begins by defining critical thinking as "the correct assessing of statements." He then enumerates the skills required to achieve this goal and demonstrates how these same skills are integral to LRE. The skills necessary, according to Rodgers, for both critical thinking and LRE are: judging a statement from the premises; recognizing an assumption; determining the reliability of an observation, statement, or authority; deciding whether a simple generalization, hypothesis, or theory is warranted; recognizing an argument that rests on ambiguity; and recognizing statements as being either too vague or too specific.

Rodgers' efficient explanations of these skills illuminate how concepts in LRE such as "rules of evidence," "deductive model," "inconsistent data," "bias," and "credibility" foster critical thinking. In addition, he offers a guide to teaching critical thinking skills in the social studies using law-related education.

Hunter was one of the major investigators in the National Law-Related Education Evaluation Program (LREEP) which is the most comprehensive evaluation of the impact of LRE that has ever been conducted. In reporting on that study here, Hunter follows the model prescribed by Hepburn and provides enough detail that teachers and teacher-educators can make judgments about the study and can draw implications for their own practice. This study tested LRE's impact on students and in the process identified the instructional factors that contributed to learning and positive behavioral outcomes. In this discussion, Hunter sets this study within the context of earlier LRE-focused research indicating, "The LREEP evaluation went beyond previous research by (1) including measures of behavior (self-reported delinquency) and (2) by assessing an array of attitudinal and social variables organized around a body of tested contemporary delinquency theory." The researchers found that LRE had a greater potential than traditional civics or social studies classes for having "favorable effects on

factors measured by these variables" and, thus, for enhancing law-abiding behavior. Hunter laments the fact that teachers generally are not introduced to the sociological theories that would help them "to understand how an LRE class (or any other class) can improve student citizenship and reduce delinquent behavior." It is Hunter's conviction that if all prospective teachers were "armed with the knowledge of the theories of how LRE works," they would aggressively pursue the competencies to employ LRE in all of their classes.

Skeel provides a very useful overview of LRE research that has been conducted since the early sixties. As she reports, a search of the literature reveals that there has been little actual research focusing on LRE. "Even though there is widespread use of law-related education programs," Skeel observes, "we still see a limited amount of research being conducted to verify that use." Here Skeel concentrates on the LRE research that is most relevant to the concerns of preservice teacher education—research focusing on curriculum, teaching, and learning. The studies reported here looked at both elementary and secondary students and classrooms and were conducted in sites throughout the country. They investigated such issues as receptivity and capacity of teachers; extent of awareness of LRE among educators; factors that contribute to the implementation and extension of LRE in schools; the relative strengths of different teaching methods such as inquiry, participatory, and didactic approaches; and the impact of LRE on student information acquisition, reasoning skills, and behavior. Skeel concludes with a discussion of what this research suggests for preservice teacher education programs. Here she not only identifies the competencies and commitments that the research suggests that teachers need but also provides a set of instructional components that will help achieve those goals.

—C.A.

Civic Competency: A Natural Nexus with Law-Related Education

Jack L. Nelson

Introduction: The Interrelation of Civic Competency, Critical Thinking, and School Climate

Our task is to provide a foundation for the establishment of law-related education in preservice teacher education programs. Undergirding this foundation are the necessarily interrelated constructs of critical thinking, school climate, and civic competency in all of which the concept of justice is a core. Critical thinking without a value basis in justice can be a facade for tyranny, manipulation, or deception. A school climate without justice as a primary element is a rich soil for dictatorship and indoctrination. And civic competency without a root in justice simply provides those who have with more tools for dominating the have-nots. Teachers, into whose hands these matters fall, require an education that is laden with examination of the continuing evolution of justice. Thus, law-related education in which justice is an essential element does not have a distant and tortured connection to the preparation of teachers but a direct and obvious one.

Concepts of Democracy

There are no precise and everlasting definitions of large concepts like justice and democracy; these terms are the subject of controversy, debate, and refinement. They are useful, however, as ideals against which to test the direction of human efforts.

This article posits that *justice* is the forthright attempt to provide equity and fairness for all people. It is positioned within moral philosophy and justifies ethical standards of action.[1] Laws may or may not coincide with justice; laws can be unjust and immoral, and they can be applied through favoritism and unfairness. The standard against which laws and the administration of laws should be measured is justice.

Democracy is defined here as self-governance by the people, wherein minority rights and dissent are protected.[2] Although the word *democratic* is often used to cover up dictatorial policies, intentional misleading of the public, and economic dominance by elites, these are misuses of the ideal. Democracy is an evolving idea, expanding throughout the world, that mass political participation and public accountability for actions are rights and conditions of human societies. Laws, simply because they were passed by a majority of representative legislators, do not necessarily illustrate democracy; there are undemocratic laws. Jus-

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25

tice and democracy are intertwined ideals that influence our concepts of civic society and civic education.[3]

One cannot propose seriously to develop critical thinking or competence in civic thought and action in a democracy without the concept of justice and without a concern for the preparation of educators who are to engage in this work. Although it is possible for authorities to develop school climates that conflict with democratic concepts of justice and that deny the ideals of teacher preparation, those school climates are ultimately dysfunctional. The interrelation among these topics is the key to law-related education's potential for teacher education.

Focus on Civic Competency

My topic is civic competency, a worthy subject with a large body of literature. However, the above-noted interrelation among civic competence, critical thinking, and school climates must be recognized. From my perspective, civic competence is an end, while critical thinking and school climates (of the proper sort) are appropriate means. This may be mere imperialism, in which my topic encompasses the others, but it also suggests a significant differentiation for law-related education. There is a transactional relationship among these topics: civic competence in a democracy requires education in critical thinking in a school climate that is supportive, and the primary purpose for that school climate and the development of critical facilities is to develop civic competence. But civic competency, like the long-term effort at citizenship education, is problematic because of historic semantic and ideological disagreements.

The Theft of Good Educational Ideas

Unfortunately, educational reform movements of the educational right wing have attempted to steal some good educational ideas from common-school discourse. Citizenship is an example; competency is another; and ideology is a third. This article deals with the first two.

Narrow Citizenship Education

Citizenship education has been used, before and after the McCarthy period, to hide efforts to impose narrow moralistic and nationalistic control over schools, teachers, and students.

The title *Citizenship Education* was imposed on the social studies division of the New York State Department of Education in the early 1950s because "social studies" was considered a title too close to "socialism." Even earlier, in the citizenship education movement of the 1920s—sometimes called character education—the idea of citizenship as taught in schools was fraught with moralistic teaching and patriotism. An example is from one of the many publications advocating "character education," which proposed an answer to the question, "What virtues should children choose and learn to practice with satisfaction, if good citizenship is to be realized?" (Germane and Germane 1929, p. 177). The Germanes surveyed about 1,000 teachers who had "observed students closely for at least one semester" and reported a list of 118 virtues, including honesty, cooperation, accuracy, cleanliness, punctuality, obedience, thrift, patriotism, chastity, orderliness, prudence, and industry. Ranked by the teachers for importance, honesty and cooperation were numbers 1 and 2 , with obedience ranked number 8 of the 118. This led the Germanes, a husband and wife team of professor and teacher, to conclude a set of topics—"after experimentation"—for schools to undertake. The first five, of 50, topics were "Courtesies of the Truly Cultured," "School Loyalty," "Thrift in all Things," "Good Manners and Charm," and "Good Health" (p. 192).

A current moralistic effort to resuscitate the expired 1920s character education movement is being developed in New Jersey by the commissioner of education, who appointed a "blue ribbon" committee to prepare recommendations and make a list what citizen virtues should be required for study in all schools in the state. Commissioner Saul Cooperman, in a document very reminiscent of the earlier simplistic indoctrination approaches to correcting citizenship ills in the society (New Jersey State Department of Education 1988), argues that *Time* magazine and *USA Today* have identified a moral morass in society that the schools can resolve by forcing children to develop "character and values" that will make them loyal and obedient. The Committee (Advisory Council Report 1989) reported a list of "Essential Core Values" that included an illogical mix of moralistic platitudes, narrow citizenship behaviors, and a few actual values: "Acknowledge authority," "Patriotism," "Respect property," "Respect others," "Courtesy," "Cooperativeness," "Honesty," "Loyalty," "Moderation," "Diligence," and "Frugality."

Data from surveys of high school youth, conducted in 1965 and again in 1973 by Jennings and Niemi (1981), suggest that youth identify the major attributes of the "good citizen" as:

- obeying the law (74%);
- proud of country (73%);
- vote in elections (70% in 1965, 56% in 1973);
- tolerant of other races, nationalities, and religions (64% in 1965, 72% in 1973); and
- going to church (12% in 1965, 9% in 1973).

Sigel and Hoskins (1981), collecting information on Likert-like scales from Pennsylvania students, found that obeying the laws was considered of the highest importance (61%), with voting and pride of country each rated at 47%, and keeping informed about public

affairs rated at a much lower 24%. There is good reason for skepticism about survey data, but one suspects that these results are representative of what is taught in citizenship education in schools.

These findings also suggest the view expressed by Chief Justice Warren Burger, writing for the Supreme Court majority in the 1985 *Bethel School District No. 403 v. Fraser* case, which upheld the action of school officials in suspending a student who gave a six-sentence, *double entendre* nominating speech for a candidate for student body office. David Schimmel (1986), in a review of the case, noted that Burger identified the "role and purpose" of the public school as the preparation of students to become citizens by inculcating "manners of civility." Burger further acknowledged the "undoubted freedom to advocate unpopular and controversial views in schools and classrooms," but he continued that this "must be balanced against society's countervailing interest in teaching students the boundaries of socially appropriate behavior." In the case at point, the countervailing interest in socially appropriate behavior was apparently dominant over free speech and controversy.

Citizenship education should be more than preaching and requirements for social and political conformity, but the term has accumulated heavy ideological baggage that is difficult to overcome. There are pockets of dissenters who challenge the tradition of citizenship education as uncritical transmission of propaganda (Hunt and Metcalf 1968; Newman 1975; Berlak 1977; Shaver 1977; Newman 1975; Cherryholmes 1980, 1982; Egan 1980; Giroux 1980, 1985; Engle and Ochoa 1987). But much of the general public and many educators retain the sense of citizenship education as learning to obey the rules, to be a nice person, and to not challenge any authority. There is some of that view in misguided efforts at law-related, or law-and-order, education, but that is less likely when justice is the focus.

As Freeman Butts (1980) reminds us in a recent treatise on the subject, citizenship education has a long history in Western civilization; but even Butts prefers to call it civic education, and he identifies justice as the first item in his list of necessary values that undergird it.

Civic Education's Baggage

Civic education has its own cultural baggage. A provocative statement on the history of civic education, tracing it to a base in military citizenship and advocating a renewal of patriotism through civic education, is presented by Janowitz (1983). He claims that by the 1970s "formal civic education in the United States was in profound disarray." This was a result partly, Janowitz argues, of (a) a mistaken and premature social studies movement that had "links" with liberal, left-of-center, and radical elements, (b) the problems and issues approach in social studies teaching, (c) the failure of political science to contribute anything significant to civic instruction (p. 108), and (d) a "long-term decline in the mental caliber, prestige, and authority of the high school teacher" (p. 165). He further claims that social studies teachers, who are largely responsible for civic education, are intellectually less qualified than teachers of other subjects (p. 165). Janowitz describes a hidden curriculum, involving the "intrusion of professors of social science into the management of civic education," the teacher unions, progressive ideas, and a variety of other sources that undermine his concept of what civic education should be: the new patriotism.

Citizenship education was stolen from public discourse more than 80 years ago and has become a label for conformity and patriotism training. It may be reclaimable. Civic education has somewhat less tarnish in vernacular use and may be an appropriate alternative term. It is resuscible.

Competency's Tarnish

Competency, part of my subject today, has not had as long a period of theft from pubic discourse—only about two decades. The so-called competency-based movement, I believe, has failed. The long lists of trivial teacher tasks and student behavioral objectives have been filed away. There are haunting reminders, but the fervor of earlier mechanical approaches to education has diminished considerably. Semantic damage, however, has been done. Competency, during the past several years, has become a word I tried to avoid using in mixed company. Now I recognize that it is a perfectly suitable term, one that needs rescuing from the technocrats. Developing competent teachers, students, and citizens is an important goal if we can stipulate the meaning of competence. We need to restore good educational ideas to positions of respect to enhance enlightenment.

Thus, I use *competence* here in its more complete and thoughtful version, to refer to a complexity of knowledge brought to bear on issues and problems. It is not simply defined as a historically static and sterile set of atomistic behaviors that can be measured. Competence is a dynamic concept, defying exact measurement, which incorporates abilities to understand, to critically examine, and to act upon events. Competence involves a level of skepticism and the recognition of conflict, of ideology, of the social construction of reality. Civic competence, then, is focused on the dynamic application of knowledge to social improvement.

Civic Idea and Ideal

The idea of *civic*, as Charles Merriam noted in 1931, conveys the idea of political cohesion. Merriam rec-

ognized that competing loyalties, with all being temporal, are the stuff of this cohesion. The conflicting claims of family, state, neighborhood, peers, business, socioeconomic class, and individual ethics create a series of choices. Developing competence in examining these conflicting claims, and determining appropriate decisions, is the concern of civic education. Civic education for civic competence, according to Merriam, is a particularly significant concern for educators, for political scientists, and for the continuing improvement of a democratic society.

Merriam understood that "the school is by all odds the most important of the techniques employed in the process of civic education" (1931, p. 354). He expected a potential revolution in the process of political education, moving away from the simple-minded inculcation of nationalistic beliefs (citizenship education in many countries) toward a better understanding of the complexity of conflicting ideologies and values in civic aptitudes and skills. He advocated "a better balance between the element of tradition in civic education, with the conservation of established values, and the element of adaptation and change in social and political affairs" (p. 356). Further, he noted the "least useful" educational processes were "pseudo-scientific historical propaganda" and "rigid indoctrination of ideologies" (p. 362), as well as a failure to consider constitutional bases of civic education, the lack of intergroup education, and inadequate attention to pedagogical studies about civic competence.

In a similar vein, Almond and Verba, some 30 years later, argued that the successful shift from citizenship based on parochial and subject cultures toward a "participant" culture requires "diffusion of positive orientations toward a democratic infrastructure, the acceptance of norms of civic obligation, and the development of a sense of civic competence among a substantial proportion of the population" (1963, p. 27).

At issue in civic education programs, then, are the meanings of and the means used to develop positive orientations, concepts of civic obligation, and civic competence. Indoctrination in national loyalty is the traditional school effort to instill positive orientations; demanding obedience and unquestioning rule-following is the traditional approach to civic obligation; and presenting information about political history and formal political structures is the traditional form for civic competence.

This traditional perspective is a prescription for passivity, docility, and social conformity. This does not seem to represent what Merriam stated in the 1930s nor what Almond and Verba suggested three decades later. And, some two decades after Almond and Verba, we struggle with a similar problem.

Defects in Traditional Approaches

Traditional approaches to civic education in schools have not demonstrated their effectiveness in developing participatory or active democratic citizens. Egan (1979) claims that the curriculum does not work because Dewey's conceptions of democracy and experience have been confused in school practice. The body of research on political socialization (Greenstein 1965; Langton and Jennings 1968; Ehman 1969; Hess and Torney 1967; Hunkins, et al. 1977; Jennings and Niemi 1981) is properly disputed because of severe limitations in its methodology and in the simplistic and gross conclusion that the school has little impact on students' political attitudes, efficacy, or actions. This literature contains many interesting insights on students' perceptions, but the survey method used, severely limited instrumentation, and the use of gross data that hide important internal differences in the teaching approach or content do not provide sufficient conclusive evidence to simply write off the school as an ineffective location for thoughtful or participatory civic education.

Political socialization research may, in fact, indicate that schools are very effective in educating citizens for passive and conforming roles. The data available from these studies can be used to show that the conformist and passive model of civic education has been very effective in limiting participatory citizenship and the students' sense of civic competency. The studies, even given these qualifications, do raise serious questions about the impact of traditional approaches to civic education, and those questions deserve investigation by researchers.

In any case, there is little research evidence that the traditional approach to civics instruction stimulates students' feelings of political efficacy or participation. Leming (1986) raises doubts about whether the social studies should retain participation as a goal since the research evidence is so slight. And a particularly insightful ethnographic study of social studies teaching in high school by Palonsky (1986) indicates that traditional social studies and, by implication, civics education have little meaning for students and for many of the teachers, who often serve primarily as athletic coaches.

Traditional approaches to civic education suffer from many difficulties. The effectiveness of traditional programs, although not well measured, may have been in assuring passivity, docility, and conformity in the American public. Perhaps traditional programs have been successful, but not for the kind of civic competency advocated by Merriam and other thoughtful scholars.

Other Obstacles to Enlightened Civic Competence

There is, unfortunately, a long tradition of the schools as sites for ethnocentric history and indoctrination in nationalistic ideology. Naylor (1973), in a study of nationalistic education in New Jersey schools, found that public school educators do not perceive the school to be as open as it could be and that teachers are inhibited in their expression of views. A study (Nelson 1976) examined laws and regulations in all states and discerned substantial commitment to narrow nationalistic education and virtually no commitment to more enlightened civic competence.

Later studies outlined the discontinuities between citizenship education as commonly practiced in American schools and the tenets of critical examination of social and ethical problems (Schuman 1976; Nelson, in Wilson and Schocket 1980). There is also a large body of literature that documents the traditions of nationalistic emphasis in American school textbooks, teacher education, and censorship of conflicting views in schools and libraries (Pierce 1933; Beale 1936; Billington 1966; Battistoni 1982).

Bases for Reconstructing Civic Competence Education

In contrast to the traditional civic education program, Newmann (1975) proposed an active curriculum for developing "environmental competence" among students as an avenue toward increased political participation among the citizenry. Berlak (1977) argued for increasing the political consciousness of teachers and others, and for putting social criticism more fully into civic education. Bridges (1979) examined the use of classroom discussion, with controversy as a focus, and discerned its centrality to the nature of democracy. Cherryholmes (1980, 1982) has developed strong theoretical support for extensive classroom discourse on critical and controversial matters in schools. Litt (1963) demonstrated the value of a more controversial program for students, even in the face of strong community norms. And Goldenson (1978) conducted research that showed that the traditional civic education program has little effect but that a program focused on controversy has significant effect on the political competence of students. Edith Geyton (1988), in the Winter 1988 issue of *Theory and Research in Social Education*, presents a very interesting theoretical construct that links political participation (an indicator of civic competence) positively but indirectly to critical thinking through related subject feelings of political efficacy and democratic attitudes. She discusses the interrelationships among our three topics (critical thinking, school climate, and civic competency), but ends her article with a more pessimistic comment that implicates the school setting. Presumably, however, a change in teacher education and a change in school settings are possible. Recent work by Henry Giroux (1980, 1985) demonstrates the necessity of education for what he calls "civic courage" in the struggle for democracy. Giroux centers on schools as "contested sites," where the kinds of conflict and controversy noted by Merriam are confronted.

Clearly, enlightened teacher education is of great significance in the process of civic education (Kickbush 1987). Giroux and McLaren (1986), in an enlightening *Harvard Educational Review* article, provide a lucid and compelling notion of how teacher education must be more closely related to essential democratic principles. They focus on the development of intellectual and active teachers.

Law-Related Education for Teacher Education

The purposes and practices of the best law schools may be useful in considering how law-related education can benefit teacher education in the development of civic competency. The best law schools utilize conflict and controversy in their teaching. They are primarily concerned with elaborating and reexamining the concept of justice, not simply with training students in technical information on cases or in legal jargon; the issues-oriented case study method and a teaching approach that often draws from both Socratic and dialectic reasoning illustrate this. In addition, these law schools engage in a continuing deliberation and disputation about legal pedagogy. For example, law school faculty are examining the case study method as a result of serious questions on its effectiveness as a primary means of legal study. And there is a deeper dispute about the nature of legal education itself, and the place of Critical Legal Studies, in which the rationales and operations of the American legal system are subjected to dialectic critique. (Carrington 1984). This dispute has been raised as an issue of intellectual discrimination in tenure denial cases for some faculty at Harvard Law School.

An alternative to the traditional, noncontroversial, and doctrinaire approach to civic education offers a means to address the enlightened goals of civic competence. Law-related education was not an identified area at the time of Merriam's writing, but it is clear that ethical and operational questions raised in jurisprudential studies are central to his points on examining conflicting claims, disparate loyalties, and decision making in a democracy. If teachers convey only pseudoscientific historical propaganda and attempt to indoctrinate students in nationalistic ideologies, the result may be pleasing to national chauvinists, but it will not serve the interests of civic competency laid out by Merriam and by most thoughtful scholars in this

area. The case study approach, although under some fire in law schools now, may provide an avenue for schools for understanding controversy, divergence in human judgment, evolving concepts of justice, dispute resolution, and the obligations and rights of civic participation. Certainly, case studies are not the only way to educate for civic competence. The best law schools approach law not simply as a set of technical information and a series of mechanical tasks that lead to legal truth but as a construct for thinking about and acting on human and social issues. Law study, in the best of law schools, becomes more philosophic and more concerned with such basic values as justice, equality, and human rights. Principles underlying civil disobedience and the relation of morality and ethics to law are very important topics for a good legal education and for a democratic society and its teachers.

Thus, if the main contribution of law-related education to teacher education and civic competence is to instill passivity, docility, and conformity in the populace, there is no need to pursue it. The traditional school program, and whatever we have been doing in teachereducation, isapparentlydoing that satisfactorily.

What law-related education can offer to teacher education, and on to improved civic competency, is a focus on justice, its dynamics, and the attendant concerns of ethics, human rights and civic obligations, and the thoughtful study of conflict and controversy. Law should not be presented or perceived as an engraved set of truths and mandates. It has evolved, and continues to evolve from human conflict and controversy, as a set of principles with undergirding values. Legal study can provide an ethical context for action, including a direct challenge to laws themselves. Examination of cases and the legal reasoning on opposing sides, and recognition that law is an evolving human structure with defects and pitfalls, can be valuable in thinking through the relation of law to justice and ethics. Such a view would be a most worthwhile addition to teacher education in America.

NOTES

1. John Rawls (1971) has elaborated a schema of distributive justice that is based on rewarding those efforts that enhance common interests rather than individual genetic or environmental advantage. But his theory has been criticized by Robert Nozick (1974) and others as exploitive of individuals who happen to have been born into advantaged positions. Aristotle, in his *Nicomachean Ethics*, noted that the end of justice is the production and preservation of happiness in the social and political community.
2. Among the thousands of treatises on this subject, see such works as: Tocqueville, Myrdal (1944), and Meiklejohn (1960).
3. This theme has been widely covered. See, for instance: Dewey (1916); Kohlberg (1970) and (1973); Strike (1982); Stevens and Wood (1987).

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Using Law-Related Education to Facilitate Students' Learning in Critical Thinking

Frederick A. Rodgers

Introduction: The Research on LRE and Critical Thinking

What does the literature tell us about law-related education's potential for facilitating students' learning in teaching critical thinking? While significant research on the use of LRE to teach critical thinking is still lacking, research has been conducted both on teaching critical thinking in the social studies and on teaching LRE in the social studies. A review of each body of literature suggests that there are many common elements that make the combination of LRE and teaching critical thinking feasible and desirable. Though I did not find a large number of research studies detailing how law related education might be used to teach critical thinking, there were some references to how LRE might contribute to the critical thinking of students in the process of learning how rules and their application, enforcement, and acceptance contribute to their ability to solve problems. The link, however, is not well established by research and specific data. To answer the question, I decided to reverse it by looking first at the characteristics of critical thinking and then matching those characteristics with the content and instructional practices commonly used in LRE. Briefly, I will outline these relationships and suggest how understanding them might contribute to improving preservice teacher education.

The Specific Skills of Critical Thinking

In this exploration, critical thinking shall mean "the correct assessing of statements" (Ennis 1964, p. 286). LRE uses the basic documents (Constitution, Bill of Rights, laws, etc.) governing our actions and behavior to help children understand how the survival and effective maintenance of our society and way of life is dependent on our knowledge, understanding, and application of the ideas represented in these basic social documents. Students must learn to think critically about their actions and behavior in the community so that they act within the requirements of stated rules. Therefore, students must acquire skills that facilitate accessing and matching legal statements to the kinds of personal behav-

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ior they are expected to exhibit. Since critical thinking is required to judge appropriate behavior as defined by basic legal documents, LRE offers many opportunities for students to develop and use critical thinking skills.

If one is interested in teaching critical thinking skills utilizing LRE, it is important to deal directly with the major aspects of critical thinking. As we examine these major aspects, we will use LRE content to demonstrate the relationship we hope to establish. We now turn our attention to examining specific aspects of critical thinking.

Skill 1: Judging a Statement from the Premises

In LRE, laws are viewed as rules that define behavior and relationships. These rules allow children to use "if-then" reasoning generally described as *deduction*. At this point, LRE seeks to establish two ideas: (a) a statement follows necessarily from the premises and (b) an event or action is a member of a general class excluded from another general class. It is apparent that there are a number of cases of reasoning that conform to strict deduction. However, some cases are different because some generalizations used as premises are not in evidence universally under conceivable circumstances. Even though these cases have exceptions and limits, it is not always possible to specify such cases. To deal with critical thinking under these circumstances, one must reason from principles and hypotheses to the reality of events, objects, and actions. The range of exceptions and limits can be far removed or very closely related. In the former instance, they do not have to be considered, but in the latter instance, they approximate the deductive model prevalent when one judges a statement based on whether it follows from the premises. We characterize such instances with words such as "probable," "likely," "barring unforeseen circumstances," "reasonable," "credible," "presumable," "well-founded," and "apparent" when we draw a conclusion. In many instances in human affairs, qualifiers such as "probable" and "reasonable" must be considered in the application of principles. It is apparent that using the deductive model to judge whether a statement follows from a premise requires the critical thinker to use both strict necessity and loose following when classifying some cases, especially those dealing with human interactions in dynamic environments.

Because LRE is concerned with providing a logical arrangement to sort out sound and documented evidence of the nature, intent, and extent of human interactions, judging whether a statement follows from the premises is an important consideration for instructional practice. This aspect of critical thinking must be communicated in LRE materials and activities. Here, LRE and critical thinking are one and the same.

Skill 2: Judging Whether Something Is an Assumption

LRE attempts to demonstrate whether conclusions are based on assumptions and whether certain assumptions are acceptable to warrant such conclusions. Assumptions must be challenged to determine whether they fit into an acceptable body of knowledge. When we judge based on assumption, we are trying to determine whether a given assumption is justified. To label something an assumption is to infer that a given conclusion is dependent on that assumption; the conclusion is unacceptable if the associated assumption is judged unacceptable. To justify using an assumption to draw a conclusion, a system of knowledge must be established that covers enough different kinds of cases to be general in nature. As an assumption becomes more applicable, it is reasonable to draw carefully defined conclusions within well-defined conditions and familiar limits. "LRE is ideally suited to judging something" is an assumption because the "rules of evidence" inherent in LRE materials are likely to assist in identifying assumptions. When LRE materials are used to teach the social studies, they can serve as a vehicle for sorting out whether there is an adequate knowledge base for the assumptions employed to draw certain conclusions. At this point, LRE contributes directly to fostering critical thinking.

Skill 3: Judging Whether an Observation Statement Is Reliable

Since an observation statement is a specific description, LRE seeks to demonstrate the importance of establishing (a) the credibility of the observer, (b) if the observer had reliable observation conditions, (c) if the observation was direct, (d) the existence of a record of the observation, and (e) whether the observation is based on an inference. Of all the components of critical thinking, judging whether an observation statement is reliable is ideally suited to social studies instruction using LRE materials. LRE can help to determine whether an observer has made reliable observation statements, and I it can help students learn to judge whether an observer is unemotional, alert, and disinterested. One must attempt to determine whether an observer is skilled at observing the type of object or behavior described, has keen senses, has a reputation for honesty, uses precise techniques, and harbors no preconception about the way a given object or behavior is viewed, recorded, and understood. One should further evaluate whether the observer had optimal access and was provided with a satisfactory medium of observation. LRE is especially adept at determining whether a statement is based on direct observation, corroborated by others, and provided by a disinterested source with a reputation for honesty. Finally, LRE can assist in judging the reliability of a statement

of observation, based on a record made at the time of the observation, on the person making the statement, and on whether the statement can be judged to be a correct statement—and determining that it is not based on inferences. There is significant support for concluding that LRE can be instrumental in judging an observation statement's reliability by helping students look at the specific characteristics of the observer.

Skill 4: Judging Whether a Simple Generalization Is Warranted

For the purpose of this exploration, LRE treats a simple generalization as a statement that covers a number of instances and holds that they share some trait. To help children understand a simple generalization, LRE tries to establish (a) that the bulk of reliable instances can be so classified, (b) that instances selected fit into the larger structure of knowledge, (c) that the selection of instances should be unbiased, and (d) that there are no counter-instances. In too many instances, simple generalizations are formulated when evidence suggests that they are unwarranted. Take, for example, the generalizations in the following statement: "Youth of certain ages and backgrounds are likely to commit certain antisocial acts." The generalization about age may be unwarranted when considering the total number of youths in a given age group. A close examination of the demographic factors of a given age group is likely to reveal that only a small percentage of any specific age group is likely to engage in antisocial behavior. To indict a whole class of individuals based on the actions of a few violates "due process" of all members of the group if they have not been duly judged guilty of a legal infraction. Students must be taught that specific evidence on the behavior of individuals must be collected, validated, and analyzed before judgments are made. LRE can be helpful in dispelling tendencies to formulate unwarranted simple generalizations based on incomplete data or data selected with a bias. At this point, LRE contributes directly to assisting children to think critically.

Skill 5: Judging Whether a Hypothesis Is Warranted

LRE seeks to establish that a statement is directly related to its supporting data by virtue of its power to explain this support. LRE seeks to demonstrate how the hypothesis must (a) explain a bulk and variety of reliable data, (b) itself be explained by a satisfactory system of knowledge, (c) not be inconsistent with the evidence, (d) show that its competitors are inconsistent with the evidence (controlled experiment), and (e) be testable. A hypothesis is warranted to the extent that it explains the volume and diversity of reliable data. When data are adequately explained, they can be deduced or loosely derived from the hypothesis when considered with established facts and generalizations. A given hypothesis is valid when it is explained by an acceptable system of knowledge, when it is not inconsistent with any evidence, when it has no competitors that are consistent with the evidence, and when it is can generate testable predictions. LRE materials that help students judge whether a hypothesis is warranted contribute to critical thinking in the social studies.

Skill 6: Judging Whether a Theory Is Warranted

LRE contributes to judging whether a theory is warranted by demonstrating a relationship between concepts that are abstract and often technical. An example is the theory that intellectual ability is a function of nature (race) rather than nurture (environment). Evaluating theories is one of the more challenging aspects of critical thinking: although it follows a process closely related to evaluating hypotheses, it requires a more complex level of thinking. Because theories have a number of different parts, conflicting evidence is unlikely to result in outright rejection. It is likely that a theory will be adjusted to accommodate contrary evidence, thus making the evaluation of theories even more complex. To judge whether a theoretical system is warranted, critical thinking must determine whether the theory (a) explains a majority and variety of reliable data, (b) is explained by broader theories, (c) is not inconsistent with any evidence, (d) demonstrates that competing theories are inconsistent with the data, (e) is testable, and (f) is simpler than its rivals. LRE is ideally suited to exploring theories with children and helping them to think critically about the types of evidence required to make judgments. In many instances, legal theories are used to explain human behavior, social interactions, and state-sponsored intervention activities. LRE can help students explore these theories in the social studies through using the skills of critical thinking.

Skill 7: Judging Whether an Argument Depends on Ambiguity

LRE attempts to help students understand that ambiguity is common in any statement about the human condition or human behavior. This particularly is the case in public policy issues where there is a shift of meaning from the sense wherein the conclusion is proved to a sense wherein it is applied. A case can be made for the rejection of arguments that depend on ambiguities. However, critical thinking is required to determine whether an argument has too many ambiguities to be considered. LRE can help students develop the critical thinking skills required to judge whether an argument is ambiguous. The nature of legal content and situations and the conflicting laws that abound provide a rich source of examples that require critical thinking. LRE can provide the legal

examples and the approach to resolving the problems that appear under the umbrella of judging whether arguments are ambiguous.

Skill 8: Judging Whether a Statement Is Too Vague or Too Specific

LRE attempts to help students determine whether a particular statement might be too vague to provide guidance. Statements such as "Education has disappeared from the schools" or "There is no discipline in the schools" are examples of vague statements. Examples of being too specific include: "High test scores represent quality thinking of students" or "Parent involvement is required for students to perform well."

LRE helps students understand that these statements are not specific enough to make sound and meaningful judgments. To evaluate these kinds of statements, students are required to consider the purpose of the discourse as it relates to the judgment to be rendered. Because LRE encourages students to place questions and answers in the context of situations with purposes that are known and understood, LRE is suited to the development of critical thinking in the social studies that enables students to evaluate an argument that may depend on an ambiguity.

Skill 9: Judging Whether an Alleged Authority Is Reliable

LRE helps students determine whether an authority (a) has a credible reputation, (b) is an expert in the field, (c) is disinterested (no self-interest apart from reputation), (d) stands to have his or her reputation affected in a predictable way, (e) has studied the matter in question, (f) has followed acceptable procedures, and (g) is in full possession of his or her faculties. These steps are essential for critical thinking judging

Figure 1

Specifications for Developing a Law-Related Education Program for Developing Critical Thinking Skills in the Social Studies

Social Studies Content / Critical Thinking Abilities	*1* Self	*2* Others	*3* Society	*4* Natural & Physical Universe	*5* Values & Ethical Standards	*6* Non-content Problems
1. Ability to define a problem						
2. Ability to select pertinent information						
3. Ability to recognize assumptions						
4. Ability to formulate relevant hypotheses						
5. Ability to draw conclusions validly						

Note: Figure 1 is taken from Figure 6, a chart exhibiting the specifications for the Test of Critical Thinking, in Dressel and Mayhew (1954, p. 186). Copyright © 1954 American Council on Education. Adapted by permission.

whether an alleged authority is reliable. The content and processes LRE in the social studies can play a decisive role in developing and strengthening the critical thinking skills of students.

A Guide to Teaching Critical Thinking Skills in the Social Studies Using Law-Related Education

Following from this match-up of critical thinking skills and LRE approaches, I suggest that there are five critical thinking skills that should serve as a guide for developing LRE instructional content and procedures. These are the classic abilities formalized by the American Council on Education's Intercollege Committee on Critical Thinking (Dressel and Mayhew 1954, pp. 179-80):

1. The ability to define a problem.
2. The ability to select pertinent information for the solution of a problem.
3. The ability to recognize stated and unstated assumptions.
4. The ability to formulate and select relevant and promising hypotheses.
5. The ability to draw conclusions validly and to judge the validity of inferences.

Since elements of each of these critical thinking skill areas have been discussed earlier, no further discussion is required here. Figure 1 presents critical thinking areas matched with content areas to provide a concrete example of how LRE programs might be designed to promote critical thinking in the social studies.

Note that the social studies content areas listed are closely related to the topic outlined in the spiral curriculum dated with complete social studies programs designed for all grade levels. In each cell, specific subject matter and instructional objectives should be presented to guide the selection organization and presentation of LRE lessons. To the extent possible, the instructional content and processes selected should parallel the commonly accepted topics in the social studies. This approach allows a school to develop and implement an LRE program in the social studies without reducing coverage of topics thought to be essential in well-balanced social studies programs.

In conclusion, the development of an LRE program that fosters the teaching of critical thinking skills in the social studies is both feasible and needed. Even when teachers cannot carry out all the suggestions put forth in this article, the resulting debate might lead to the development of LRE programs that will help students learn and use critical thinking skills in the social studies.

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School Climate: Research Insights for the Education of Social Studies Teachers

Mary A. Hepburn

Introduction: What Is Known About the Role of School Climate?

All too often, reviews of research edited for social studies teachers in the teacher-read journals present only a few sentences summarizing results of numerous studies, without insight into the context of the research, the method, details of the findings, or questions raised by the study. These short, shallow summaries are not appropriate for teacher education, especially not for law-related education. Not only are they likely to be rather lifeless, they also do not give teachers enough material for digestion and reflection, and thus they fail to contribute to formation of a personal philosophy of education or to practical professional planning. Such reflection should not be postponed for graduate school.

With these considerations in mind, I wish to examine in some depth four selected studies conducted in U.S. schools for the insights they provide into the relationship of school climate to law-related education and/or citizenship education. My hope is that these and other key studies will become part of the literature and subjects of discussion in the education of social studies teachers.

Classroom Climate and Leadership Style: The Lewin, Lippitt, and White Studies

Context and Method

The first study took place in the mid-1930s in a midwestern city where a social psychologist and his university graduate students undertook the study of the effects of the teacher leadership style on classroom climate. Lewin, Lippitt, and White conducted a series of experiments comparing student group behavior generated by three differing leadership styles, which the researchers termed *democratic*, *autocratic*, and *laissez-faire* (Lewin 1938; Lewin, Lippitt, and White 1939; White and Lippitt 1960).

It is interesting to examine the sociopolitical context in which this research was conceptualized. It was a time when reports of intolerance and human persecution by fascist regimes in Europe had intensified the interest of many American intellectuals in educational processes that would produce and preserve democratic behavior.

Students who participated in the study were from fifth-grade classes in two schools. They enrolled in after-school clubs ostensibly organized for carrying out creative projects. An adult leader assigned to each group used specific leadership behaviors designed to create either an autocratic or a democratic climate in the group. The groups met for three six-week periods. After each six-week period the leaders were rotated to expose teach group to the differing leadership styles and differing classroom climates.

An interesting aspect of the research method is that most of the data used in this 1937 study were obtained using qualitative techniques that have become so popular among researchers today. Data were collected by teams of observers. Stenographers recorded in shorthand what was said in each meeting. A third person kept a running anecdotal record of what occurred. Additional observers noted interactions and frequency of activity. After each club meeting the leader wrote up a brief account of occurrences that seemed significant. (Lewin, Lippitt, and White 1939). The three leadership styles were distinguished as follows:

Autocratic style. The autocratic leader dictated all club policy and gave step-by-step orders on what was to be done, by whom, and when. He determined which students would be allowed to work together without consideration of their desires. The leader's praise or criticism was expressed in personal rather than objective terms. Expressions of approval or disapproval implied a status hierarchy with the leader at the top as the judge.

Democratic style. In the democratic group, policies were determined by group discussion and group decision, with the leader offering "guiding suggestions." Generally the leader assisted the group in defining overall goals and suggested alternative means of attaining them. Students were then free to make their own decisions. When tasks were divided, they could work with whomever they wished. The leader gave information when it was asked for and when it seemed helpful or needed. Generally, the leader tried to stimulate self-direction by encouraging free discussion, group decision, and majority vote. The leader also attempted to be objective or "fact minded" when praising or criticizing to encourage thinking about criteria for evaluating work without depending on the adult leader.

Laissez-faire style. The laissez-faire climate was not originally planned in the study. It emerged in a preliminary experiment when one leader attempted democratic interaction and was so aloof that he was unsuccessful. The researchers decided that in the final design it would be valuable to have a "passive" or "laissez-faire" leader, particularly to show the contrast with the more active and demanding democratic leadership style (Lewin, Lippitt, and White 1939). The laissez-faire leader took no part in goal setting, did not aid in decisions on how to accomplish goals, and said nothing about the selection of work partners. He supplied information only when asked, gave no work assistance, and did not praise or criticize. No attempt was made to regulate or appraise activities in the club. The laissez-faire climate allowed nearly total freedom for individuals without concern for the group.

Findings

Autocratic leadership. Observations showed that students were generally submissive under autocratic leadership. They were motivated to work on their projects only when the leader was present. Under the leader's eye and when told specifically what to do, they worked efficiently, but when the leader left the room, their work slowed down or halted. Some students exhibited sullen hostility toward the leader. Much greater tension and hostility were expressed among students in the autocratic climate, and they tended to center hostility on a single student. The group was also less stable and developed less cooperation.

Democratic leadership. Students who experienced the so-called democratic leadership were more effective in accomplishing social and work goals. They demonstrated greater cohesiveness and a sense of group accomplishment expressed in phrases such as "our club" and "we decided." They were less apathetic than those in the autocratic situation and more inclined to express individuality. The democratic climate stimulated participation, and students showed a greater sense of fairness, less concern over status, and more readiness to share objects. Exchanges of criticism were objective and less personal and biting than in the other groups.

Laissez-faire leadership. Under the leadership the researchers called laissez-faire the students attempted some group decisions but soon lapsed into disruptive behavior. They gradually became aggressive toward each other, a change attributed to idleness, frustration over the lack of accomplishment, and the absence of a respected adult. The group achieved none of its goals. Members became status-minded as order broke down. (The same students who were disruptive and uncooperative in the laissez-faire climate tended to stay on task with their team when they were in the democratic climate.) In the laissez-faire group few students would clean up at the end of a session, whereas in the democratic climate group members voluntarily worked together to clean up.

Leadership styles compared. Lewin, Lippitt, and White concluded that democratic leadership provides a climate that is not only more productive but less stressful and more satisfying to all involved. Human

interaction in this climate, because it stimulates motivation through participation, is generally more efficient. A democratic climate must be carefully differentiated from a laissez-faire climate: Order and some authority structure are necessary. The researchers' advice to teachers is to continually seek to broaden the base of participation in decision making, whenever participation is actually functional but to exert active leadership using "natural authority" fairly whenever the situation calls for firm control.

Types of Organizational Climate: The Halpin and Croft Survey

Context and Method

The second study took place in the late 1950s, an era of concern over work organization and administration, a time in which business and industry sought to develop organizational climates that would minimize conflict in interpersonal dealings and produce smooth, efficient operations. Two educational researchers, supported by a grant from the U.S. Office of Education, launched a pioneering study that investigated the organizational climate of the school (Halpin and Croft 1963). Conceptualizing schools as having a kind of "personality" derived from the climate of social interactions within them, Halpin and Croft studied the behaviors, perceptions, and attitudes of teachers and principals to define differing types of school climate and human relations within each type.

The research design was relatively rigorous, with care taken not to define *a priori* types of school climates. They analyzed data from carefully developed questionnaires to establish descriptors of the types of schools that emerged from their sample of 71 elementary schools. They also interviewed administrators and teachers to get a sense of perceptions and reactions in both groups.

Findings

The Halpin and Croft study identified six organizational climate types based on detailed profiles generated from subtest analysis. Finding that the types fell along a continuum ranging from highly flexible, open, and tolerant to oppressive, closed, and rigid, they drew in theoretical constructs from Lewin (1938) and Rokeach (1960) to name the climate types. Also, Lewin's research was influential in the conceptualization of the principal as a group leader, key actor, and major climate maker in the school.

The six school climates identified by Halpin and Croft are characterized in the following summaries.

Closed climate. Relationships between the principal and teachers are very closed and are not genuine. Teachers gain little satisfaction from their work, fail to accomplish much, and have a low morale and a high turnover rate. The principal is highly aloof and impersonal, sets down arbitrary rules, and stresses hard work but is usually not a model worker.

Paternal climate. Teachers experience autocratic relationships that are generally not genuine with the principal as a persistent watchdog. Teachers split into factions, do not work well together, have few responsibilities, gain inadequate satisfaction from their work, and have given up trying. The principal assumes most responsibilities; is continually checking, prying, and monitoring; fails to motivate teachers; and tends to be overly solicitous rather than genuinely concerned.

Familiar climate. Teachers and administrators seem conspicuously friendly but lack direction toward school goals. Teachers are friendly with each other and morale is average because of social satisfaction rather than accomplishment. The principal is viewed as a "good guy" who wants to be liked by everyone rather than a leader, offers little direction, and does not emphasize production or encourage it.

Controlled climate. There is obvious pressure for achievement and hard work in a climate that is more open than closed. Teachers are highly task oriented but have too much busy work and paperwork and little feeling of camaraderie. Job satisfaction comes from task accomplishment. The principal dominates and is quite inflexible, delegates few responsibilities, remains aloof from teachers, centers power in the principal's office, and determines both ends and means with little consideration of the personal and social needs of teachers.

Autonomous climate. Teachers have freedom to develop their own internal leadership patterns and have a high esprit de corps and good social relations, are involved in their work and achieve their goals with little hindrance from administrative paperwork, and make many middle-level decisions. The principal is genuine but businesslike and quite aloof, sets an example of working hard and is flexible and considerate but provides leadership and control and sets up guidelines that teachers can follow with a minimum of monitoring.

Open Climate. Teachers and administrators enjoy democratic relationships in which they work well together to accomplish their goals. Teachers work well together, not burdened by routine busy work; they are assisted by the principal in accomplishing objectives, are highly motivated to work, and are highly productive. They feel considerable job satisfaction, and they are proud of the school. The principal sets an example of hard work, criticizes or praises in a considerate manner, is not aloof but involved, and shows compassion while providing clear direction, allowing appropriate leadership to emerge from teachers.

Do you recognize in these profiles the school or schools in which you have worked? The Halpin and Croft survey gives us a good deal of insight into what shapes the attitudes of educational professionals. Student effects can only be logically deduced, but the school climate typology is valuable for motivating critical reflection on one's school and the interactions of administrators and teachers within it—a useful observation tool for student teachers.

School Climate and the Problem of Violence and Crime: The Safe School Study

Context and Method

The third study was conceptualized in the mid-1970s as school crime and violence were increasing. In communities where school assaults, drug problems, and vandalism run high, the main school considerations become safety, order, and discipline. In large schools where teachers and principals are embattled and students fear each other, talk about democratic climate tends to be equated with misguided idealism. But as this study shows, simply associating democracy with disorder and autocracy with safety and order has no basis in research.

The Safe School Study (Boesel 1978) was designed in an era in which, in a typical month in U.S. schools, 130,000 teachers and 2.4 million secondary students had some personal object stolen, and 282,000 secondary school students and 5,200 teachers were physically attacked (p. iii). Concern over school violence and crime had reached such proportions by 1974 that a bill was passed by Congress (Public Law 93-380) to require the Department of Health, Education, and Welfare to study the extent, seriousness, and costs of school crime and to assess types of solutions. Thus the National Institute of Education (NIE) began research to determine what characteristics were associated with greater or less crime and violence. The objective of the study was to provide information and guidance for policy initiatives.

NIE designed a three-phase study in which three types of data were collected—national mail surveys, representative on-site interviews, and representative in-depth case studies. Data were drawn from students, teachers, and principals. The case studies were intended to provide detailed pictures of what had worked and what had failed in the efforts to reduce school crime and violence.

Phase two is of special interest. Data from 642 public junior and senior high schools defined factors related to school violence and crime. From student and teacher data gathered on site, several scales were constructed to measure amount of violence and crime in the community, governance and rule enforcement in the school, sense of internal school control, relevance of school subjects, perceived fairness of school environment, and student and teacher interaction. Careful multivariate analysis indicated which factors were characteristic of high-crime and low-crime schools (Boesel 1978, p. 1).

Findings

The Safe School Study turned up interesting relationships between characteristics of the sociopolitical climate and structure of secondary schools and rates of student violence and crime (pp. 132-37).

Disciplinary policies. A powerful predictor of school crime was the disciplinary system found in the school. Consistency and fairness were key factors. Highly disciplined schools were not necessarily associated with students rebellion against the strict regulation. In fact, highly disciplined schools, which also had consistent schoolwide disciplinary policies perceived by the students as fairly enforced, were associated with low rates of crime and violence. Characteristics of these schools were an efficient principal who had the respect of the staff, a coordinated effort by teachers and administrators, and a relatively high degree of teacher satisfaction with the administration regarding matters of curriculum and discipline.

Fairness. Perceptions of fairness played an important role. Higher rates of violence and greater property loss were found in schools where students complained that rules were arbitrary, discipline was unfairly administered, and rule enforcement by teachers was unnecessarily punitive.

School reward structure. There was less violence in schools in which students regarded getting good grades as just one measure of their success. Vandalism was greatest in the schools where there was high competition for good grades. Also, vandalism ran high in schools where teachers indicated that they used grades as a disciplinary measure. Apparently, students in a more intensely competitive and academic school environment are more intensely affected by perceptions of fairness. If they perceive that rewards are doled out unfairly, they tend to vent frustration on the school itself.

Instructional settings and curriculum. There was more violence and crime in schools where teachers had larger classes and contact with large numbers of students per week. Apparently, teachers meeting with numerous large classes were unable to establish personal relationships with students, and an impersonal climate made violence and destruction easier. Another factor was the content of the curriculum. There was more violence in schools where students perceived that teachers were not teaching what students needed to learn. (Students did not define their interests nar-

rowly in terms of vocation or enjoyment. In fact, some schools providing basic skills and a general liberal education were considered by students to be highly relevant to their needs.)

Students' perception of internal control. There was more student violence in schools where students perceived that they could not influence what would happen to them. Alternately, violence and robberies were less likely in schools where students felt a relatively high degree of internal control. Feelings of internal control were associated with not being treated like "kids," with feelings that school was preparing them for the future, and with feelings that they had some influence on what happens in the school. However, student government was not necessarily associated with lower school crime; rather, it was those schools in which students felt they had no control over their circumstances that had more violence.

Implications

The Safe School Study reinforces the view that school is a learning environment for attitudes and behaviors likely to be internalized by students and transferred to the larger society. School is the locale where students learn about rewards related to efforts and about whether the rules governing daily activities make sense and are defensible or are arbitrary, inconsistent, and unfair. School is the environment where students gain a sense of whether they as individuals can have some say about what will happen to them, and whether the classes they attend and the school work they do have any bearing on their future. School is the long-lasting, year-after-year experience that, as a result of the interaction with teachers and administrators, gives students lasting impressions of their worth.

Moral Education and the Just Community: The Cluster School

Context and Method

The moral education theory of Lawrence Kohlberg has been prominent in research literature on curriculum and instruction of the past decade. Kohlberg's research-based theory (1970) inspired experiments in designing the school as a just society. His theory of just community was the basis for the establishment of "The Cluster School," an alternative school within Cambridge High School and Latin School in Cambridge, Massachusetts, in 1974. Wasserman (1977, 1980), a staff participant-observer, recorded the chronology of events in the Cluster School in a qualitative study.

The Cluster School alternative program, involving from 50 to 72 students over a five-year period, was established at the request of a group of parents, teachers, and students. It was the first attempt to implement Kohlberg's idea of high school democracy applying a community justice approach in education. The alternative program had to operate within existing state and local school regulations, but it had a large measure of autonomy within the inner-city school. The main innovation in curriculum was the establishment of an integrated social studies and English core curriculum for students in grades 9 to 12 which focused on governance issues in school and society historically and in the present. Role playing and moral discussions were key techniques used to define just treatment.

"Just community" government was implemented by meetings of the total school community. Students, teachers, and parents held meetings to discuss and make decisions about rules. Issues of rule interpretation and rule enforcement were also dealt with in small representative bodies. Summer and evening workshops helped prepare student and staff for a school governance system that would give students decision powers equal to those of the staff. The idea was that school would become an environment of democratic and high moral norms and expectations. Community values were based on a governance structure that maximized the participation and responsibilities of all involved. The curriculum and the school atmosphere in consonance would promote a moral development that would then be applied to the larger society.

Observations

From her observations and moral-stage testing, Wasserman (1980) concluded that the Cluster School was successful in producing mutual respect and caring among students and between students and staff. She observed that fair and consistent enforcement of rules was a necessary component of the just school community (Wasserman 1980, p. 273). Students placed a high value on this community and actively supported it and participated in it.

Students in the Cluster school were all volunteers chosen from the larger school by stratified random selection by neighborhood, race, sex, and years in school. The school within a school was very small. Like much of the research on moral education in the United States in the late 1970s, the evaluation of the Cluster School was a doctoral dissertation based on a loosely structured qualitative review. It provided valuable exploratory data, but there is a need for more rigorous evaluation using larger groups of students.

Other Significant Research

Other studies could well be included in the analysis of school climate research with preservice teachers. One example is the British research into processes and actors in London schools reported in Fifteen Thousand Hours (Rutter et al. 1979). It is worthy of review.

Although conducted in a different national educational structure and different culture, the study shows how school climate influences educational outcomes.

Implications for Teacher Education

What cues for teacher education can we gain from these studies?

Leadership styles. The research by Lewin, Lippitt, and White (1939) makes it clear that in the classroom the teacher's leadership style is critical. The teacher can facilitate self-direction, a free exchange of views, and egalitarian treatment of peers while at the same time promoting order, direction, and progress in the group. Teachers can help establish a classroom climate where students are motivated to participate and where learning goals can be met with efficiency.

Organization. The research by Halpin and Croft (1963) points to the importance of the organization of the school. Like the teacher in the classroom, the principal or headmaster plays a pivotal role in setting the climate for activity within the larger school unit. To generate a democratic environment cooperative efforts are essential. A democratic school needs a principal who provides strong, consistent leadership that minimizes bickering and mistrust while maximizing openness, cooperation, job satisfaction, and productivity.

Attitudes and school policy. The Safe Schools Study focuses our attention on the close relationship of actions and attitudes. Certainly, violence and crime must be minimized to make schools potential training grounds for democratic citizens. Schools that are relatively safe, peaceful, and productive are those with consistent disciplinary policies that are fairly enforced, fair and realistic academic reward systems, a high degree of student and teacher interaction, some real opportunities for students to make contributions to school policy, and students who feel that they can influence what happens to them. The Safe School Study suggests that the effects of participation in student government are moderated by the behavior of the administrators and teachers.

Research on "The Cluster School" (Kohlberg 1970; Wasserman 1977, 1980) offers an inside view of a school-within-a-school run by a cooperative, town-meeting government. It gives us a concrete picture of how law-related education can not only be taught about but can also be demonstrated in dilemma discussions of justice in school and society.

Productive mix of research methods. With regard to research method, the value of anecdotal and observation data as a rich supplement to survey and sociometric data is pointed up by all of these studies. All used both qualitative and quantitative research.

Prospects for Improvement

The research reviewed here reinforces the conventional wisdom that American schools tend to be bureaucratic and mostly dominated by the decisions of administrators. Without major social changes, they will continue to be. The studies also demonstrate that within the existing bureaucratic structures of schools, the educational environment can be made more democratic and thus better contribute to democratic attitudes and skills. Organization and educational processes in the schools can contribute much more to law-related education for participation in a democratic society. Schools are integral to the society and tend to reflect its values—including the periodic declines in democratic attitudes. But the relationship between school and society is reciprocal and schooling can reinforce democracy by maximizing democratic education. School administrators, through their positions of leadership in institutions, can initiate organizational changes and cooperative efforts that will open communications and increase options for teachers and students. Teachers, through their positions of leadership in the classroom, can encourage participation, increase choices, and promote critical and evaluative discourse by students. Such prospects are at the very heart of law-related education.

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LRE and Delinquency Prevention: Implications for Preservice Education*

Robert M. Hunter

Introduction: Lessons to Be Learned from LRE Evaluation

This article presents a selective review of the National Law-Related Education Evaluation Program (NLREEP), a four-year research effort sponsored by the National Institute for Juvenile Justice and Delinquency Prevention. The purpose of NLREEP was to determine whether a one-semester course in law-related education (LRE) could prevent delinquent acts and school-rule violations by participating students or significantly reduce the number of such acts. If so, a second objective of the evaluation was to establish the features of LRE classes which contribute to this improved citizenship behavior.

In sum, LRE, properly taught, was found to reduce delinquent and school-rule-breaking behavior, and several important features of LRE have been identified as contributing to this result. However, the theories that explain improved citizenship and the features that facilitate its achievement are not taught systematically to teachers in most schools of education. Since all teachers, irrespective of their academic disciplines, are expected to teach good citizenship, the theories and practices identified should be transmitted to all teachers during their preservice education. This review of NLREEP is offered to serve that purpose.

The National Law-Related Education Evaluation Program (LREEP)

From 1979 through 1984, five organizations[1] with national reputations for interest in and support for LRE were funded by the Office of Juvenile Justice and Delinquency Prevention of the U.S. Department of Justice to develop and demonstrate effective methods of implementing LRE programs. This was the National Law-Related Education Evaluation Program (LREEP). From 1984 to the present, the emphasis of the LRE program has changed from research and development to training and dissemination, based on the work of the projects and the findings of LREEP.[2] The description that follows is a summary of what was accomplished in the four-year period, drawn from the LREEP final report by Johnson and Hunter (1986).

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Evaluation Research Objectives

The central concern of the OJJDP National Law-Related Education Evaluation Program was to measure the impact or effects that participation in a LRE class had on students, compared with students who received traditional civics or social studies. The specific research question focused on whether LRE improved the citizenship of participating students. Citizenship was defined as law-abiding and rule-following behavior and was measured by student self-reports of delinquent offenses and school-rule violations.

Additional questions included:

- What principles underlay prescriptions respecting content, instructional methods, and strategies for implementation that the LRE national projects gave to teachers, educational administrators, and others through their training programs and follow-up technical assistance?
- To what extent were practices prescribed by LRE trainers faithfully implemented in the LRE classroom by teacher trainees?
- How might the principles used by LRE practitioners relate to the large body of research-tested theory in the field of youth development and delinquency prevention?

Definition of Law-Related Education

The working definition of LRE was developed after extensive interviews with staff of the national projects, LRE teachers, principals, and classroom resource persons who had implemented LRE programs with the assistance of the national projects and after a review of LRE curriculum materials in use. This work provided the projects and the evaluators with guidelines for what constituted the elements of the kind of LRE program that was to be implemented and evaluated. The following became our definition for the project:

> LRE is a program of instruction to build students' conceptual and practical understanding of law, legal processes and the legal system. The courses should use curriculum materials designed to provide a foundation for improved citizenship skills; the ability to work within the legal system to settle civil grievances and deal with criminal problems; develop a reasoned understanding of the basis for rules; and establish favorable attitudes toward law enforcement and the justice system.
>
> The preferred methods for presenting the curriculum are strategies conducive to providing opportunities for active involvement for all students including those who ordinarily may have difficulty becoming engaged in classroom work; offering avenues for students to demonstrate competence beyond those established through traditional testing; creating favorable settings for nonthreatening interaction among students and between students and police, attorneys and other representatives of the justice system.
>
> The objectives of the course include improvement of students' behavior, as well as their knowledge and attitudes. The course should offer a coherent sequence of law-related topics, usually of one entire semester's duration.

Research and Evaluation Methodology: Previous Research on LRE

Previous evaluation research had measured the effect of LRE class participation on improved attitudes toward the police, the law, legal processes, constitutional rights, authoritarianism, legal-social responsibility, and educational expectations.[3] While all research showed knowledge gains from LRE class participation, the findings on the relationship between knowledge gain might and favorable attitude change were mixed. The researchers did not pose theoretical models to account for how knowledge gain might have an impact on attitudes, nor did any hypothesize about how the attitudes measured might be associated with law-abiding or delinquent behavior. None used any behavioral measures as a criterion variable.

The LREEP evaluation went beyond previous research by (a) including measures of behavior (self-reported delinquency), and (b) assessing an array of attitudinal and social variables organized around a body of tested contemporary delinquency theory.

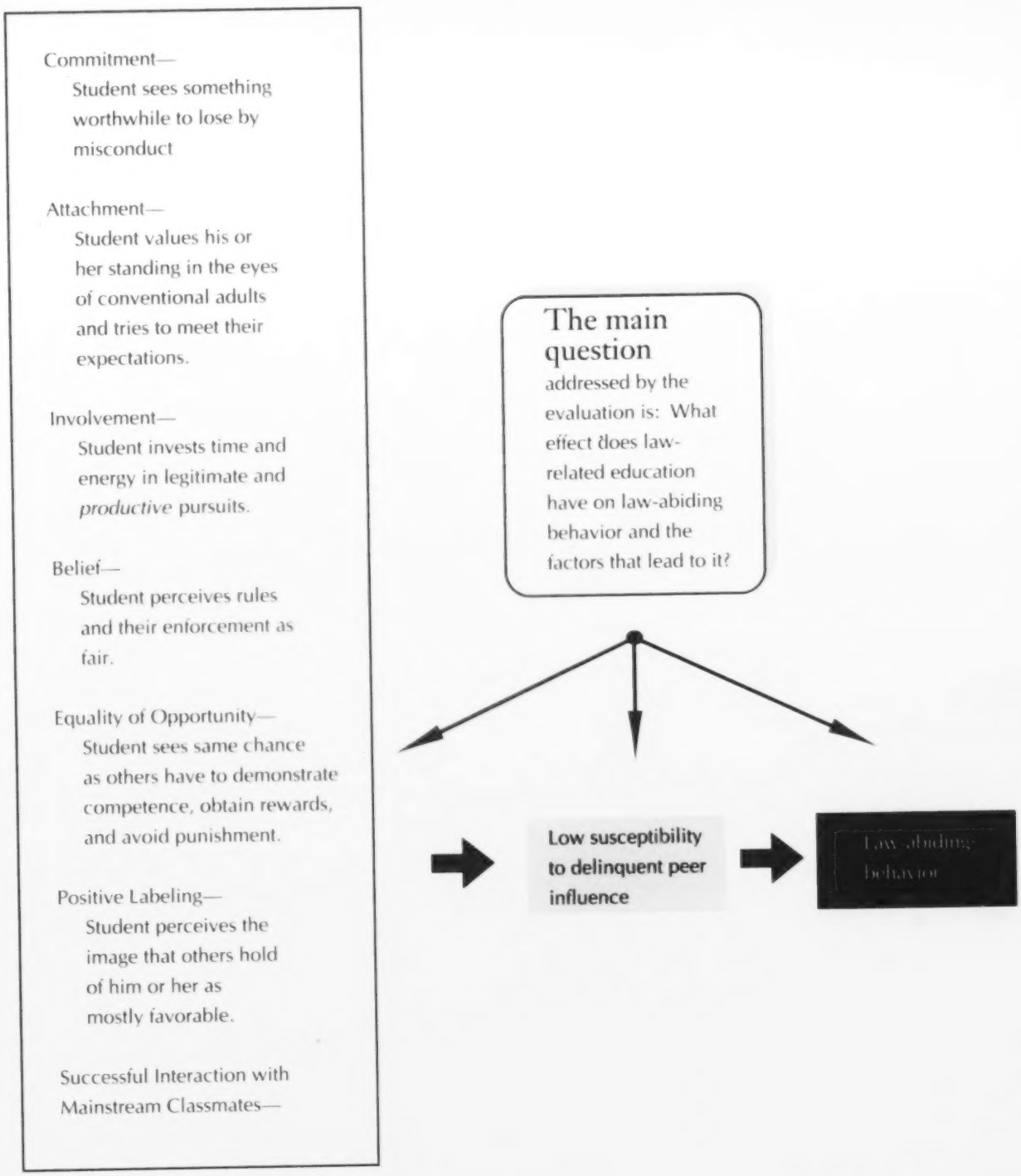
Theoretical Foundations

Drawing from an extensive research literature on juvenile delinquency prevention and control theory, evaluators selected *social control theory* from the work of Travis Hirschi (1969), *strain theory* (or opportunity theory) from Robert K. Merton (1938) and Richard Cloward and Lloyd Ohlin (1960), *labeling theory* from Becker (1963) and Lemert (1957), and, finally, *differential association theory* developed by Edwin Sutherland and Donald Cressey (Sutherland and Cressey 1939). All of these theories contained variables that had been operationalized and tested previously as attitude survey items that predict to law-abiding or delinquent behavior.[4]

Choice of Variables

The key variables drawn from these theories to develop test instruments included commitment, attachment, involvement, belief in the necessity and fairness of rules, equality of opportunity, positive labeling, and successful interaction with mainstream classmates. (The last variable, concerning peer group association with and dependency on nondelinquent peers, when

Figure 1
Basis in Delinquency Theory for the Outcome Measures
Used to Evaluate Law-Related Education


Commitment—
Student sees something worthwhile to lose by misconduct
Attachment—
Student values his or her standing in the eyes of conventional adults and tries to meet their expectations.
Involvement—
Student invests time and energy in legitimate and *productive* pursuits.
Belief—
Student perceives rules and their enforcement as fair.
Equality of Opportunity—
Student sees same chance as others have to demonstrate competence, obtain rewards, and avoid punishment.
Positive Labeling—
Student perceives the image that others hold of him or her as mostly favorable.
Successful Interaction with Mainstream Classmates—
The main question
addressed by the evaluation is: What effect does law-related education have on law-abiding behavior and the factors that lead to it?
Low susceptibility to delinquent peer influence
Law-abiding behavior

stated in its negative form—association with and dependence on delinquent peers—is one of the most powerful predictors of delinquent behavior available.) Figure 1 presents the variables we included.

The evaluators reasoned that any educational program that could have favorable effects on factors measured by these variables would have an excellent chance of enhancing law-abiding behavior. The interviews of practitioners and the classroom observations suggested that LRE classes might have greater potential than traditional civics and social studies classes for producing such effects.

Population Sample and Selection

To obtain data on LRE impact, evaluators:

1. administered pre- and post test survey instruments to more than 1,600 LRE students and a comparison group of students (both groups were in the same school at the same grade level);
2. observed the experimental and comparison classrooms, training workshops, LRE awareness conferences, and meetings;
3. interviewed teachers before and after classroom observation sessions; and
4. interviewed school administrators, classroom resource persons, and in-service trainers.

The classes were located in 32 different schools in six different states (California, Colorado, Illinois, Michigan, Missouri, and North Carolina). (See Table 1.)

Schools were nominated by one of the three "curriculum projects" (Constitutional Rights Foundation, Law in a Free Society, National Institute for Citizen Education in the Law). In 1981, the projects were requested to nominate what they considered to be their most and their least effective schools, based on the school's experience in conducting LRE classes or providing administrative support. (The invitation to projects to recommend less effective classes may startle some readers. However, this was part of the "formative evaluation" phase of the research project, and in terms of implementation of an LRE course, as much could be learned from inadequate practices leading to lower quality implementation as from perfectly implemented classes.) Frequent feedback to the national projects for the purpose of sharpening training and organizational practices to improve implementation effectiveness was offered during this phase. (See Figure 2.)

In the succeeding two impact studies, which followed the formative evaluation, evaluators included all new adopters that implemented LRE on a schedule that could be accommodated.

Summary of Results

Initial 1981 Findings

As reported above, the first 10 classes studied in 1981 were an intentional mix of project nominees with high and low prospects for success. Despite relatively uniform knowledge gains achieved by all classes, observers attested to wide variation in what was implemented as LRE: Overall results with respect to student attitudes and behavior were a mix good and bad news. The apparent net effect on the 23 outcome dimensions that year was favorable for four LRE classes, unfavorable for four, and indiscernible for the other two. The before and after test instrument consisted of scales derived from tested delinquency theory, a test of knowledge about the law and the justice system, a series of self-report items pertaining to the frequency with which a subject had committed each of 11 types of offense during the semester preceding the administration of the test instrument, and items allowing students to rate their course and teacher.

1982 Findings

In 1982, the instrument was modified to obtain data on 36 dimensions: 10 categories of delinquent behavior, 22 antecedents of law-abiding behavior derived from the factors shown in Figure 1, and four dimensions not derived from delinquency theory: (a) law-related knowledge, (b) grade the student would give the teachers, (c) frequency of telling parents about something useful learned in school, and (d) students' rating of their course relative to other courses. Measures of these dimensions were administered in 30 LRE classes and 22 comparison classes in 18 schools. There was substantial improvement in the 1982 impact study. Following a number of changes in the projects' training efforts in response to the Formative Evaluation Recommendation, the 1982 impact study showed substantial improvement in all the LRE classes.

1983 Findings

In 1983, evaluators obtained quantitative data on 42 dimensions: 11 categories of delinquency behavior, 26 antecedents of law-abiding behavior, and five dimensions not derived from theory. In the main study of impact on students, instruments were administered to students in 21 LRE classes and 14 control classes. (Eight additional LRE classes in a substudy of the effects of teacher training and experience are not included in this report. Suffice it to say that the more and the better the training of LRE teachers, the more favorable the impact.)

1983 Findings

Table 2 summarizes the specific outcome variables (collapsed to 14 categories) for the 21 LRE classes

Table 1

Number of Schools, Classes and Students in the Main LRE Impact Study

	1981		1982		1983		Total	
	LRE	Comparison	LRE	Comparison	LRE	Comparison	LRE	Comparison
HIGH SCHOOL								
Schools	6		6		2		14	
Classes	10	8	11	8	5	5	26	21
Students	184	172	247	143	122	90	553	405
JUNIOR HIGH								
Schools	0		9		3		12	
Classes			15	11	12	5	27	16
Students			318	195	327	142	645	337
ELEMENTARY								
Schools	0		3		3		6	
Classes			4	3	4	4	8	7
Students			87	64	98	78	185	142
TOTAL								
Schools	6		18		8		32	
Classes	10	8	30	22	21	14	61	44
Students	184	172	652	402	547	310	1383	884

Figure 2
Formative Evaluation—Recommendations to National Projects

Theoretical premises:	Introduce participating teachers to underlying theoretical premises pertaining to delinquency prevention, on the grounds that an understanding of key principles might help teachers in sorting out the day-to-day or week-to-week judgments about preparation of materials, design of lessons, and conduct of classroom instruction.
Instructional quality:	Demonstrate and stress the importance of a carefully planned and executed sequence of instruction, adequate to the inherent complexity and ambiguity of the curriculum content, and to propose that schools give careful consideration to decision about the amount of allocated time and the degree of congruence between LRE and curriculum areas.
Selection and balance:	Highlight the importance of the judicious selection and balance of curriculum materials and examples. While published curriculum materials tend to reflect the desired balance, supplemental materials or examples chosen by teachers sometimes err on the side of violations of rights perpetrated in the name of justice or, conversely, jeopardized credibility by portraying the American system of justice as flawless.
Managing controversy:	Provide teachers with guidelines and practice in managing controversy and conflict in the classroom.
Active student participation:	Assist teachers in expanding the opportunities and tactics for generating active student participation, including more frequent student-to-student interaction.
Cooperative/small-group work:	Concentrate on methods for preparing and conducting small-group (cooperative) activities in order to make them both productive and satisfying to students.
Preparation of outside resource people:	Prepare guidelines for teachers on the adequate preparation of outside resource people for participation in classrooms.
Administrator and peer support:	Solicit active administrator involvement as one requirement for site selection, and to cultivate on-site opportunities for developing peer support among participating teachers.

Table 2

Number of LRE Classes Showing Significant* Favorable, Mixed, or Unfavorable Impact on Students Relative to Control Classes on Components of Each Outcome Dimension Measured in Fall 1983

Outcome Dimension	High School (5)			Junior High (12)			Elementary (4)			TOTAL (21)		
	Favorable	Mixed or Zero	Unfavorable	Favorable	Mixed or Zero	Unfavorable	Favorable	Mixed or Zero	Unfavorable	Favorable	Mixed or Zero	Unfavorable
Law-related factual knowledge	**5**	**0**	**0**	**12**	**0**	**0**	**4**	**0**	**0**	**21**	**0**	**0**
Interaction with parents	3	2	0	9	3	0	1	3	0	13	8	0
Rating by students of their teacher and class	**5**	**0**	**0**	**10**	**2**	**0**	**3**	**0**	**1**	**18**	**2**	**1**
Commitment	5	0	0	10	2	0	3	1	0	18	3	0
Attachment	**3**	**2**	**0**	**9**	**2**	**1**	**1**	**3**	**0**	**13**	**7**	**1**
Involvement	5	0	0	10	0	2	1	3	0	16	3	2
Belief: attitudes toward police and judges	**0**	**5**	**0**	**11**	**1**	**0**	**1**	**3**	**0**	**12**	**9**	**0**
Belief: attitudes toward deviance and violence, rationalizations	0	3	2	9	1	2	1	2	1	10	6	5
Belief: students' perception of fairness	**5**	**0**	**0**	**11**	**1**	**0**	**2**	**2**	**0**	**18**	**3**	**0**
Labeling	2	1	2	0	12	0	1	3	0	3	16	2
Peer relationships	**3**	**2**	**0**	**10**	**1**	**1**	**3**	**1**	**0**	**16**	**4**	**1**
Frequency of school-rule infractions and student violence	2	3	0	9	3	0	0	3	1	11	9	1
Frequency of alcohol and drug use	**0**	**5**	**0**	**9**	**3**	**0**	**0**	**4**	**0**	**9**	**12**	**0**
Frequency of other delinquency	2	2	1	4	7	1	1	2	1	7	11	3

* P = .05

studied in 1983 compared with their control classes. The chart shows the number of LRE classes having significant favorable, mixed, or unfavorable impact on one or more components of each outcome category. The total count of classes having favorable impact exceeds the unfavorable count in every category, by an overall ratio of 11 to 1. The ratio is clearly much higher for junior high school classes and lowest for elementary classes.

In 1981, there were equal numbers of LRE classes having mostly favorable and mostly unfavorable outcomes. This was partially a consequence of the research design, which asked the projects to nominate both strong and weak classrooms for inclusion in the research. In 1983, 19 out of 21 classes had predominantly favorable outcomes, albeit with substantial variation in number and magnitude.

The one outcome that did not change during the course of the evaluation was the systematic favorable difference between experimental and control classes on knowledge gain. Since the control students were taught traditional civics or social studies, it comes as no surprise that they did not come to know the content taught by teachers to experimental LRE classes. Of course, the traditional measure educators use to determine their success as educators is students' knowledge gain. But given the variability displayed by students' responses to attitudinal and self-reported delinquency

items, the relationship between knowledge gain and good citizenship behavior is brought into question. While the differences reported are all statistically significant, the actual number of new ideas and understandings students obtain about the law and the justice system do not appear to be associated with favorable behavioral change.

Increased knowledge of law-related content, by itself, does not improve students attitudes, build good citizenship, or reduce delinquent behavior. Every LRE class in the study improved students' factual knowledge of the law. The classes that were least effective in terms of delinquency prevention produced about as much knowledge gain among students as did those that were most effective. This finding is not unique to the LREEP study. In an earlier study, Jacobson and Palonsky (1981) found virtually no association between increase in knowledge of legal concepts and positive attitudes among LRE students. They concluded that the students who learned the most about the law were not necessarily those who developed more favorable attitudes toward the law.

Identifying What Differentiates Effective from Ineffective LRE Classes

The recommendations the evaluators gave to the national projects following the 1983 study were essentially the same as the recommendations made following the formative evaluation in 1981. (See Figure 2.) While most of these features could be recommended for improving many courses, not just LRE, all appear to be more critical for LRE than for other subjects. When combined with LRE content, all the recommended features—including those that simply constitute good teaching—have been identified as contributing to favorable impact on the behavioral and behavior-related dimensions measured in the LREEP study.

Classroom Methods and Strategies

Our method for identifying important features was classroom observation. Three full-period observations in each LRE classroom were performed over the course of the semester. Non-LRE control classrooms were also observed at least once and usually twice.

The instructional methods and strategies we observed to have the most favorable consequences include:

- various elements of mastery learning as developed by Benjamin Bloom (1984);
- consistent, clear statement of objectives at the beginning of each class; continuous checking for understanding;
- provision of opportunities for practice with the materials taught;
- depth, density, and pacing;
- use of proactive classroom activities; and, particularly,
- cooperative team learning strategies, which have been demonstrated to change peer group relationships. (Slavin 1980; Johnson 1980.)

These instructional strategies are not new! Many of them have been used by good teachers for many years. The success of a good LRE teacher appears to derive from the *continuous and systematic application of sound instructional strategies joined with the student-perceived relevance of LRE curriculum content.*

However, the examples of both favorable and unfavorable practices presented in Figure 3 were observed in LRE classrooms. (Most of the categories in Figure 3 should be familiar to educators with the exception of Opportunities for Bonding, which was specifically developed to gather data associated with social control theory.) Since these practices were found in classrooms of teachers who had received specific training to teach LRE, where the importance of adherence to the principles of good instruction was emphasized, one can see the need for continuously reinforcing the importance of systematically and faithfully adhering to quality implementation during inservice training, where these methods should be reviewed and practiced.

Knowledge of Principles Underlying the Teaching of Citizenship

Our experience in the course of disseminating the findings of the LRE evaluation confirms the finding that schools of education are not offering courses that teach the theories teachers need in order to understand how an LRE class (or any other class) can improve student citizenship and reduce delinquent behavior.

Readers who are well acquainted with the theories and authors mentioned earlier in the section on theoretical foundations are unlikely to have gained that knowledge in a school of education. The fact of the matter is that even students who major in sociology or criminology are unlikely to be well acquainted with the authors or applications of theories explaining the role of schools in the prevention of delinquent behavior or its causation.

One thing all of us who are educators have in common, irrespective of our discipline or of what we teach, is parents' expectation and the general public's expectation that we will transmit the norms of good citizenship to those we instruct. A knowledge of the theories that guided this evaluation can help us in this important task.

Models of Youth Development and Citizenship

Since the 1960s, a number of models sharing common features have been developed and tested with the sup-

Figure 3
Some Favorable—and Unfavorable—Practices Recorded in Classroom Observations

QUALITY OF CURRICULUM TREATMENT	
FAVORABLE	UNFAVORABLE
Depth and Density	
Students learn concepts, terminology, and procedures before a mock trial, guest resource person, or other high-interest event.	High-interest activities occur without sufficient foundation to maximize learning from those activities.
Teacher insists on conveying all *facts* of a case before allowing arguments or opinion.	Teacher or students start expressing opinions before the objective facts are heard.
Time spent on a topic is proportionate to its importance and complexity. Illustrative examples occur only to the extent needed for adequate understanding.	Either student interest or the teacher's level of comfort or expertise with a topic appear to dictate the amount of time spent on it, regardless of its importance. Examples are too few or too many.
Students are on task shortly after a period begins and remain on task for the bulk of the period.	Digressions, housekeeping, joking, or excessive drill take substantial time from the lesson.
Selection and Balance	
Teacher acknowledges flaws in law enforcement and judicial practices and permits examples and discussion of them, but also points out remedies and safeguards built into the system and depicts miscarriages of justice as exceptional.	Teacher encourages or permits a depiction of the justice system as either flawless or rampant with unfairness. Discussion of a controversial issue related to fairness is allowed to stop without reaching closure.
Before debating an issue, students receive instruction in listening to one another and basing their arguments on the merits of a case rather than personalities. As debate occurs, students receive corrective feedback.	Student debate resembles a name-calling contest or screaming match as much as reasoned argument and is allowed to continue without corrective feedback.

Figure 3, continued

QUALITY OF INSTRUCTION

FAVORABLE	UNFAVORABLE
Stated Objectives	
Teacher has learning objectives written on the board at the start of class and tells students the purpose of the day's lesson.	The lesson begins with no more than directions about what students are to do and students are left to figure out for themselves the purpose.
Checking for Understanding/Practice	
Teacher either polls the whole class or calls on a cross-section of students (not just those with hands raised) to assure their understanding of one block of material before moving on to the next.	Teacher relies on perfunctory checks ("any questions?") or takes answers only from students who volunteer or raise their hands.
Direction-Giving	
Teacher gives directions that produce minimal confusion or further questions before students perform a task; directions immediately precede an activity and are given one at a time.	Teacher gives multiple directions at once and must repeat some of them as an activity progresses. Some students wind up off task because they do not know what they are supposed to do.

Figure 3, continued

QUALITY OF INTERACTION

FAVORABLE	UNFAVORABLE
Active Participation	
Teacher promotes moderate to high student participation with talk by nearly all students; a handful of students do not dominate classroom discussion.	A substantial proportion of students remain passive. Teacher relies excessively on lecture or does nothing to engage reticent students in talk.
Suitable Group Work	
Groups are used for tasks that are best accomplished through joint effort, are deliberately composed of a hetereogenous mix of students, and can result in group rewards.	Groups do little more than "discuss and report," are composed out of convenience (e.g., students who already sit together), and provide little opportunity for mutual help or reward.
Reactive Management	
The need for disciplinary action is infrequent; the duration and intensity of such action, when taken, do not exceed the minimum necessary to stop the problem.	Disciplinary actions either do not occur when needed or constitute "overkill," resulting in substantial time off task.
Opportunities for Bonding	
Students know clearly what they must do to demonstrate competence and are made to feel comfortable trying.	Uncertain expectations or perceived risk of embarrassment make students' attempts to demonstrate competence unnecessarily difficult.
Teacher delivers material that students can perceive as useful beyond the classroom, relating topics to current events or students' own experiences.	Teacher simply follows text and emphasizes rote learning over application of the information conveyed.

port of the federal government.[5] While they vary in scope and complexity, they each draw on the same body of contemporary theory and research from the fields of deviance, juvenile delinquency, and criminology. Each is positive in presuming that normal youth development leads to good citizenship; each has used the familiar environment of schools as a testing ground. Educators engaged in preservice teacher education will have little difficulty in evaluating the research findings and choosing just what and how much must be introduced at what stage of preservice teacher education to obtain optimal benefits.

It is recognized that the addition of theory, methods, and applications from the fields of deviance, juvenile delinquency, and criminology may involve displacing or replacing existing instructional content that has been deemed essential to the education of the teacher. If it were only social studies teacher who needed this content, it would be easier to accommodate the addition.

Applications for Preservice Education of Teachers

The content of an LRE curriculum, by itself, cannot account for the favorable impact of LRE on good citizenship behavior. A large part of the favorable effects of LRE appear to be best explained by the use of instructional strategies that enhance students' learning by providing increased opportunities for active individual participation and interaction among students and with outside resource persons in the classroom.

The appropriate curriculum content of LRE can be found in any of a number of readily available texts. However, the instructional methods that best transmit the content have not been taught systematically in preservice education courses offered by schools of education or by other colleges and departments.

While many classroom teachers have a passing acquaintance with the instructional strategies mentioned above through their inservice education, many have not had an opportunity to practice sufficiently to have mastered the techniques. When queried about mastery or cooperative team learning strategies, teachers frequently report that they have tried them and that they use some of the ideas, but not systematically. We interpret this response as an example of resistance through partial incorporation—a pattern that results from inservice training that does not provide adequate time for guided practice of new instructional methods or strategies.

However, the crux of the problem may well be that these methods should have been mastered before a prospective teacher leaves the college or school of education.

Research on teaching and learning (including the LRE evaluation) point clearly to the importance of providing education students with knowledge of proven instructional techniques and the opportunities to practice and master them.

Since every teacher and educational administrator has a citizenship education responsibility, all prospective teachers should be armed with knowledge of the theories of how LRE works. When education students apply some critical thinking to these theories and their application, they will gain a better understanding of how important their own classroom performance is to the behavior of their students. This process is likely to be a stimulus to their mastery of the important instructional strategies and methods that can be applied in any class.

While the content offered in LRE classes makes them special in the tasks of citizenship education, every classroom in a school building must play a part in creating a civil school that prepares students to accept the challenge of creating a civil society for themselves.

NOTES

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1. The participating national organizations were the American Bar Association Special Committee on Youth Education for Citizenship, the Constitutional Rights Foundation, the Center for Civic Education/Law in a Free Society, the National Institute for Citizen Education in the Law, and the Phi Alpha Delta Public Service Center.
2. The research was conducted jointly by the Center for Action Research of the University of Colorado and the Social Science Education Consortium, Boulder, Colorado.

3. We found seven separate LRE evaluation studies in 1981: *LRE as a Delinquency Prevention Strategy: A Three-Year Evaluation of the Impact of LRE on Students.* G. Johnson and R. Hunter. Center for Action Research. Boulder, CO. 1986.
4. For a more detailed description of the rationale for theory selection, see Hunter (1987).
5. The two major models are the *Integrated Model* by Elliott, Ageton, and Cantor (1979) and the *Social Development Model* by Hawkins and Weiss (1980). For an excellent description of research using the same theories, augmented with treatment interventions in a three-year implementation in a high school setting, see Gottfredson (1986).

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Law-Related Education Research: Curriculum, Teaching and Learning

Dorothy J. Skeel

Introduction: The Status of Research

The original task of this study was to investigate the research focused directly on law-related education (LRE). However, a search of the literature including the more than 700 entries on law-related education produced through the ERIC system, shows that a very small proportion of those entries is related to research. Most of the entries deal with the reasons for teaching law-related education, describe numerous curriculum materials, and discuss teaching strategies that should be used in presenting law-related education to students at all levels.

Equally disheartening is a search of the Dissertation Abstracts and reviews of social studies dissertations (McPhie 1964; Gross 1972; Hepburn and Dahler 1983). For example, Hepburn and Dahler reported 50 dissertations from 1977-82 under the category Citizenship, Law, Political Education, but only four of those were directly related to law-related education. A review of the dissertations completed since 1982 revealed only five additional studies.

Individuals who have assessed the status of social studies in the schools point out the increasing number of LRE programs in use (Hahn 1985). As Hahn (1985) reports, "the biggest change since 1977 is that law programs are now in wider use than any of 'the new social studies' projects" (p. 221) Even though LRE programs are widely used, little research is being conducted to verify that use. This article will discuss the research relative to three aspects of law-related education—curriculum, teaching, and learning. Then the implications of the research for preservice education will be discussed.

Infusing Law Concepts into the Regular Curriculum

Pickle (1983) investigated the ability of teachers to infuse law concepts into regular curriculum content areas (American history and economics) through lesson plan components of LRE curriculum. Data were collected through a clinical supervision model (preobservation conference, observation, and structured interview) and pre/post testing of students to determine the extent to which the law concepts in the curriculum materials were learned.

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63

An LRE curriculum developed by teachers, law school students, and instructional consultants resulted in the carefully planned lesson components to be implemented in the classroom through infusion into the regular curriculum. Teachers in the study had no special training but used in the lesson plan components as designed by the curriculum committee.

The results of the study indicate that teachers can use the law-related education curriculum to infuse law concepts into regular classes of American history and economics. Students do learn law concepts as outlined in the law-related curriculum. Teachers are not wary of piloting a new curriculum if they are comfortable with the process and the person under whom they are observed. When new content is added to the curriculum through an infusion model, written by experienced teachers, implementation occurs more readily than when new content is offered in a totally new package. The study reinforced the research that teachers resist "add on" curriculum but will welcome infusion if it fits into their current curriculum.

Regional Studies

A series of innovative course content programs and improved instructional strategies were implemented in 12 Colorado schools (Johnson and Hunter 1987) to improve students' citizenship. The content and strategies included law-related education, substance abuse, career education, instruction in settling interpersonal disputes without violence, wilderness group experience, clinical teaching with collegial peer coaching, parent involvement, cooperative team learning, student open discussion, and teaching for mastery.

The programs that produced the largest improvements in students' attitudes and reductions in delinquent behavior were law-related education courses. Another program that had impact was the conflict resolution program. Students' attitudes about violence became more negative and their resort to violence decreased.

Joseph (1980) developed and field tested a curriculum in law and legal concepts for sixth graders. She found that a law-related curriculum can be developed to incorporate knowledge building, value analysis, and moral and legal reasoning. She determined that sixth graders can conceptualize the concepts of liberty, justice, and equality.

Solliday (1983) conducted a study in southern Illinois to determine the extent to which schools had a law-related education program and the type of materials that were used. Ten percent of the schools responding indicated that they offered law-related education courses. Only 15 percent of the LRE teachers received training in college or university courses. Overwhelmingly, teachers requested more training in methods of presenting law-related education.

Byerly (1980) investigated the status of LRE in Indiana elementary schools. She found at that time that teachers (a) were not familiar with the LRE movement, (b) lacked training in the area, (c) lacked access to the materials, and (d) were not using LRE resources, teaching strategies, or resource people.

Knapp (1983) studied the educational innovation of LRE in New York. He found that at least three factors contributed to the growth of LRE in the state: (a) contribution of key individuals, (b) unique involvement, and (c) relationship of the New York State Education Department and the New York State Bar Association and the social and political circumstances of the society in the 1960s and 1970s.

Teaching Strategies

Comparison of Inquiry and Direct Instruction

Fielding, Kameenui, and Gersten (1983) compared the use of inquiry and direct instruction in the teaching of legal concepts. Thirty high school students in groups of three were taught a two-week unit on the constitutional rights of youth. Five groups received direct instruction, while five groups were given an inquiry treatment.

Direct teaching in this study is a tightly structured approach to teaching, in which each step in the learning process is clearly articulated. Students are shown explicitly how to perform given skills, are given extensive practice in applying skills, and receive feedback on their progress. Inquiry, on the other hand, creates conditions that are presumed to stimulate the students' "discovery" of important knowledge and skills. The inquiry teacher presents questions and problems to students in lessons simulating real-life conditions of learning. Both the direct and the inquiry lessons were taught in six one-hour sessions. The students were given a multiple-choice posttest, a legal essay, and a personal opinion essay.

Direct instruction produced significantly higher scores on both a multiple choice test and an essay test requiring the application of constitutional principles to unfamiliar cases. Inquiry produced significantly higher scores on an essay test requiring the expression of personal opinions on policy issues underlying the case studied. An attitude questionnaire indicated that students in the inquiry treatment found the content more challenging than did students in direct instruction.

Inquiry teaching may require a much longer period of time to produce desired outcomes than direct instruction. The main value of direct instruction may lie in its early phases of the treatment, which focuses on

the acquisition and application of basic legal concepts. These concepts provide a common framework with which to analyze new legal cases. A combination of the two instructional approaches may be most beneficial when introducing new content areas.

Team Learning and Participation

Earlier findings from a national study were reinforced by Johnson and Hunter (1987), who ascertained that instructional strategies that include opportunities for structured cooperative team learning with active student participation and involvement were effective. Instructional quality that includes mastery strategies of stated learning objectives and thorough checking for understanding of one topic before moving on to another still appear appropriate.

Dilemma-Discussion Approach

Tinkler (1981) studied the effects of a dilemma-discussion citizenship unit on the moral reasoning and political attitudes of sixth- and seventh-grade students. During an eight-week treatment period, the experimental group discussed 10 political/ethical dilemmas. Teachers were given suggested lesson plans and supplementary activities as well as a one-day training workshop. The experimental groups and their matched control groups were given two objective paper and pencil tests.

No significant differences were found between experimental and control group mean scores on either moral-stage reasoning or political attitudes. Four problem areas were identified in analyzing data: (a) reliability of objective paper-and-pencil tests of moral stage reasoning, (b) teacher training and implementation, (c) determination of optimal treatment length, and (d) context and relevance of dilemma-discussion content.

Attitudes toward Criminal Justice and Political Systems

Hersch (1977) tested an Orientation to the Criminal Justice System program that was designed to introduce eighth-grade students to the administration of law and justice. Participatory learning was a key element, but didactic presentations were included with the experimental component. After studying a unit about the judicial process, the experimental classes went to court for a day, participating in both an arraignment session and a jury trial.

Through a pretest-posttest control design with 18 scales measuring student attitudes toward (a) the criminal justice system; (b) the concepts of law, justice, and punishment, (c) authority figures within the court, and (d) the offender, it was determined that the participatory learning had a positive effect. Students who did not participate developed negative attitudes toward the criminal justice system. The program had a long-range positive effect on students' attitudes.

In an earlier study, Hess and Torney (1967) had found that students who had opportunities for group participation in discussion and decision-making activities were more apt to believe they could influence the legal system. Almond and Verba (1963) had found that group participation in discussions and decision-making activities fostered feelings of political efficacy.

Effect on Students

Attitudes toward Authority

Van Decar (1984) attempted to determine whether a law-related education curriculum had an effect on the students' attitudes and knowledge about authority and the legal system. Students who participated in this study had been exposed to the Memphis City LRE instructional program. Data were collected through structured interviews at grades 6, 9, and 11/12. Experimental and control groups consisted of 20 students from each of the three grade levels for a total of 120 subjects.

Results indicated that students in grades 6 and 9 who had law-related education were *not* more likely than those who had not to have positive attitudes toward authority. They were, however, more likely to have positive attitudes based on the condition that the authority figure behave in a responsible manner. Students in grades 11/12 showed no statistically significant differences between experimental and control groups in any response category, but the experimental group more often gave supporting rationales for the opinions they stated.

Students in grades 6 and 9 who had LRE were *not* more likely than those who had not to have positive attitudes toward the legal system, but they were more likely to state certain conditions that they felt to be fair and other aspects that they felt should be improved. Students in the 11/12 experimental group used more specific legal issues to support opinions.

Those students who had law-related education demonstrated more knowledge of authority than those who had not. They also exhibited more knowledge of the legal system and more concrete understanding of the ways in which authority, rules, and law affect the lives of citizens. Differences between the experimental and the control groups at level 11/12 were less pronounced.

More active conceptions of their ability to influence the legal system and participate in it were expressed by the experimental groups. The results of the study indicate that the Memphis LRE program increases students' knowledge of authority and the legal system and increases their sense of efficacy and their ability to

65

critically examine legal issues from a variety of perspectives. Students in grades 11/12 showed less pronounced differences between experimental and control groups.

Social Attitudes and Behavior in the Early Grades

Markowitz (1986) tried to determine whether law-related education can have a positive impact on the social attitudes and behavior patterns of children in grades 2, 3, and 4 and whether an increased knowledge of the law will cause these children to exhibit more positive social attitudes and behavior patterns. Teachers of the experimental groups were given a four-day training program. Data were provided by classroom observations, teacher interviews, and instruments based on Hirschi social control theory.

Results were not statistically significant, but there was some indication of a positive impact on children's attitudes toward authority and justice in the second grade. Fourth graders seemed to indicate some improvement in behavior with little attitudinal change. Progressive teachers appeared to foster improved attitudes and behavior while traditional teachers seemed to yield greater knowledge gains.

Prevention of Juvenile Delinquency

Jacobson and Palonsky (1981) conducted a study that analyzed the impact of a carefully developed and regularly implemented LRE program of instruction on preventing juvenile delinquency among young children. The study was conducted with fifth graders. The results indicate that at this age there is not a correlation between greater legal knowledge and more positive attitudes toward the law. Students who learned the most about the law were not necessarily those who developed more favorable attitudes toward the law. However, they do point out that the students in the experimental group did increase their knowledge of legal concepts. Jacobson and Palonsky also reported finding more positive feelings toward the law.

Johnson and Hunter (1987) found in the Colorado study the LRE programs produced the largest improvements in students' attitudes and reduction in delinquent behavior. Effective programs were marked by use of strategies identified as important in the national study, such as those that foster true interaction and joint work among students; judicious selection and presentation of illustrative case materials; and a sufficient quantity of instruction. Building staff were trained to include the features identified by earlier research as critical to success.

Summary of Findings

The research indicates that teachers can infuse law-related education into their regular social studies curriculum if the approach is not too drastic a departure from their customary teaching mode. Students in the program were able to learn the law concepts.

Law-related education curricula have been shown to improve students' attitudes and reduce delinquent behavior when compared with other innovative content programs. Conflict resolution programs also have a positive impact on students' attitudes toward violence.

Elementary students (sixth graders) were able to conceptualize the concepts of liberty, justice, and equality. The curriculum incorporated knowledge building, value analysis, and moral and legal reasoning.

Studies in two states (Illinois and Indiana) found that there was a need to increase teachers' skills for teaching and knowledge about law-related education, while another study in New York found that key individuals, the relationship between the state bar association and the state department of education, and the social and political circumstances of the times are vital to promoting innovation in law-related education.

Teaching strategies that appear to make a difference in the outcomes of LRE include direct instruction, cooperative team learning, and participatory learning. However, it should be pointed out that inquiry learning may require a much longer period of time to produce desired outcomes when compared with direct instruction.

Even though results were not statistically significant, studies did find that LRE programs had a positive impact on students' attitudes toward the law and the legal system. Students in LRE classes were more knowledgeable about the law, and in some studies their delinquent behavior was reduced when appropriate strategies were utilized.

Implications for the Preparation of Preservice Teachers

Although the research is limited, it appears that we can make some recommendations for preservice teacher preparation programs. If law-related education is to be effectively implemented in classrooms, teachers need to be (a) convinced that law-related education has a positive impact on students (Van Decar 1984; Markowitz 1986; Johnson and Hunter 1987; and Jacobson and Palonsky 1981), (b) adequately prepared to use teaching strategies that have proved effective in presenting law-related education (Solliday 1983; Byerly 1980; and Tinkler 1981), (c) familiar with available law-related education materials (Solliday 1983; Byerly 1980), and (d) prepared to infuse law-related education into the regular social studies curriculum (Pickle 1983).

To achieve the above-stated goals, preservice teacher preparation programs must include instructional components that will provide the following:

1. A review of the research on the effects of LRE on students and the teaching strategies necessary for effective implementation. Even though the research is limited, preservice teachers need to have some idea of what happens when students have been exposed to law-related education. Also, it is important for them to be aware of the teaching strategies that are most effective in presenting law-related education since studies have determined that "if properly taught, law-related education can have a positive effect on delinquency and can improve a range of student attitudes related to delinquency (e.g., acceptance of violence, reliance on relationships with delinquent peers)" (Little and Haley 1982).
2. Observations of classrooms where LRE instruction has been implemented. Often preservice teachers have not had the opportunity to participate in law-related education activities in their own schooling; therefore, to have a better understanding of "what happens," they need to observe classes where LRE is being taught. After years of experience in working with preservice teachers, I know how important these experiences are. Videotapes of LRE classes, if well done, can substitute for actual observations.
3. Acquisition of skill in using a variety of teaching strategies that are effective in LRE. Skill in using the various teaching strategies is equally, if not more, important compared with knowing the research that advocates the use of specific strategies.
4. Introduction to an analysis of a variety of LRE instructional materials and curricula. Familiarity with law-related education materials helps preservice teachers know what is available as well as be selective in what they use in their classrooms.
5. An opportunity to practice the teaching strategies and LRE materials in actual classroom situations. If preservice teachers have had the opportunity to practice teaching strategies and use LRE materials in classroom settings, they will have more confidence in their ability to teach LRE and will be more likely to try the materials when they have their own classrooms. Preservice teachers repeatedly report the value of such opportunities.
6. Acquisition of strategies to infuse LRE into the ongoing social studies curriculum. Pickle (1983) reported that teachers will include LRE in the ongoing curriculum if they have learned strategies to infuse it. They are not as apt to "add on" LRE.

Teachers who have had exposure to law-related education materials and teaching strategies in their preservice preparation are more likely to implement LRE when given the opportunity or to seek out the opportunity to implement LRE than inservice teachers who have not had that exposure. Inservice teachers feel the need for and should have training in LRE before implementing a program in the classroom. Preservice teachers can be assisted in their preparation through the research findings.

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Nelson's emphasis on language and meaning reminds us of the power of words and, thus, the political/ideological/legal struggles that adhere to words. Teachers who have a solid foundation in law-related education recognize that power. They have participated in intense debates over what constitutes such conditions as "equity," "due process," "retribution," or any of a full range of law-related constructs through which weaves the frail thread of justice. Teachers come away from such experiences with enhanced respect for the complexity of law-related issues and the contributions that diverse perspectives, when rationally and effectively communicated, can make in addressing those issues. Preservice teachers who have opportunities to participate in such LRE sessions are more likely to enter their own classrooms with the commitment to foster open communication regarding critical issues with their own students. Further, such teachers are not afraid of controversy and know how to help their students use controversy to achieve democratic goals. It should also be noted that the emphasis on language and meaning that is integral to quality LRE makes LRE a prime candidate for infusion into the language arts curriculum.

The discussion on language also calls to mind the ongoing debate among LRE professionals regarding the term "law-related education." They are concerned that the very term "law" often intimidates teachers although it serves as a bridge to the legal profession. It also raises the specter that a central goal may be to mold a lot of "little lawyers" and/or foster the litigiousness which is already rampant in our society. It is often pointed out that the term is not "law education" but, rather, "law-*related* education" which expands its curricular focus considerably and puts it squarely in the realm of citizenship/civic education. Over the past several decades, LRE professionals have made concerted efforts to maintain the integrity of the term "law-related education." One would be hard pressed, for example, to find any published piece on law-related education that doesn't include, at a minimum, a definitional statement and often a definition accompanied with several examples of practice. The OJJDP LRE project and the evaluation that accompanied it have contributed significantly to the consensus on what this definition and this practice should be. Such vigilance should keep LRE from being co-opted in the ways that, according to Nelson's analysis, citizenship education has been. Research investigating the strength of the construct "law-related education"—what it means in education circles—would be very useful in directing information dissemination efforts for LRE.

One of the major tenets of LRE is that it will be of little use to teach the principles of a democratic, law-based society in a classroom and/or school in which those principles are not applied. At a minimum, such incongruence will reduce or erase student learning. At the extreme—when the disjuncture is extreme—students may become increasingly cynical and disillusioned and turn against their society rather than become participating citizens. This synergism makes it imperative that teachers become as adept at climate-control as they are at instruction for quality LRE. As importantly, administrators must recognize the relationship between instructional goals and school climate and work to bring congruence supportive of quality LRE.

All teachers want their students to be able to think critically. Critical thinking skills, after all, apply to all areas of education. Rodgers' examination of ways LRE fosters students' critical thinking abilities is

thus a crucial discussion. Just as Nelson's article, with his discussion on the power of language, reminds us to think about how the term "law-related education" is much broader than "law education," so Rodgers demonstrates that the skills gained from LRE are much greater than being able to recite the Constitution's Amendments.

"The ability to define a problem" is the first of five critical thinking skills which Rodgers says should guide a teacher in developing an LRE program. Defining a problem is, of course, the first step in finding a solution, several solutions, or a compromise. This skill can be applied to a question of whether flag-burning should be legal under the First Amendment or to whether principals should have the final word on what goes in the school newspaper. What is the problem at issue in these situations? Are they comparable? Can a "simple generalization" about First Amendment rights be made?

Rodgers' statement that "LRE encourages students to place questions and answers in the context of situations with purposes that are known and understood" is an important one. If students don't understand the difference between stopping and searching a car after having seen what appeared to be a drug deal and stopping a known drug dealer for running a stop sign and then searching the car, teachers can substitute locker searches. The students have the skills to evaluate assumptions, observations, hypotheses and ambiguities.

These skills and their vocabulary have applications beyond the law. Although Rodgers does not delve into the way LRE's fostering of critical thinking influences discussion of ethical issues, one can see that such terms as "bias," "credibility," and "unwarranted generalization" lead to ethical judgments as well. Rodgers appropriately explains that "students must be taught that specific evidence on the behavior of individuals must be collected, validated, and analyzed before judgments are made." If educators are successful in using LRE to help students develop their critical thinking skills, students will no doubt reach the toughest evaluative questions of all: If the evidence on the behavior is "collected, validated and analyzed" as legal, can the behavior still be unethical? If there is sometimes a discrepancy between legality and ethics, how do we reconcile it?

Hepburn has chosen four studies which if used in preservice teacher education programs would greatly enhance the development of teachers' professional competencies—especially in regard to delivering quality LRE to their students. The first step toward developing such competencies is awareness of the factors that contribute to learning. How likely is it that the factor of "leadership style" is recognized and focused upon in the typical teacher education program? It is interesting to note how congruent the "democratic" leadership style is with the teaching style needed to support effective cooperative learning. It would be instructive to have Hunter compare this "democratic style" with the teaching styles of the teachers who directed group work in the successful LRE classrooms. Finally, teachers should be able to generate very interesting student discussions about social organization and the exercise of authority (very law-related concepts) based on simulated experiences with these three leadership styles. The school climate study that Hepburn reports here does not directly address students; however, as Hepburn suggests, the effects on students can be logically deduced. One can deduce, for example, that teachers who work in a school with an "open climate" would model themselves on the principal. Such teachers would, in turn, be able to develop a similarly productive and psychologically secure climate in their own classrooms. An instructive exercise for preservice teachers would be to review this research report, identify the attitudes of the educational professionals that prevailed in each type of climate and the factors which influenced these attitudes, and, then, project to the classroom. What is likely to be going on in classrooms in each setting? How might this affect student attitudes and learning? If one were particularly concerned with promoting a basic understanding of the principle of justice (as Nelson indicates is at the heart of law-related education), might some of these climates be particularly detrimental? Some particularly facilitative? Which ones?

The Safe School Study offers many lessons for the ways that schools should be structured and managed and for the ways that people should treat one another within them. It offers many insights into the ingredients that go into creating schools that are supportive, safe, learning environments. Because the results reveal the complex interaction of social conditions and actions, focusing on this study should help prospective teachers be cautious in reaching conclusions on the basis of insufficient evidence. If that sounds like a law-related lesson, it is meant to. This study not only reveals the complexity of social issues but deals directly with issues that are incredibly important to teachers and students alike. Therefore, why not use the study in secondary classes that are exploring law-related issues? An adaptation of this research report for secondary school students should make a significant contribution to LRE curricular resources.

One can only echo Hepburn's appeal that the "justice community" approach be implemented and studied with larger groups of students. Rather than creating a "just community" within a larger school context, why not make the whole school "just?" In fact, some innovative administrators, recognizing full well that law-related education is most potent when implemented

70

within a school setting that adheres to the principles taught in the curriculum, have made concerted attempts at creating "just community" schools. Unfortunately, the research and documentation is not available to contribute to the discourse.

Hunter argues that a sound foundation in certain identifiable sociological theories would greatly enhance teachers' capacities for citizenship development and delinquency prevention. Typically, preservice education teachers are exposed to sociological theory in such courses as introduction to sociology or sociological foundations of education. Also typically, the introductory courses are of necessity so "introductory" and of such broad scope that the specific theories identified by Hunter will, if included at all, not be treated in depth. The focus of the foundations courses are, naturally enough, on the theories of sociology that provide some insight into education in general and not on theories that would inform one specifically about delinquency or citizenship development. As Hunter notes, even sociology or criminology majors will generally not encounter courses in which the links between schooling and delinquency prevention are drawn. If these conditions are characteristic and if these theories are so instructive regarding delinquency prevention and citizenship development, how can the situation be remedied? What would it take to convince institutions of higher education to devise courses for preservice teachers that emphasize what Hunter has identified as sociological theories? Courses that would provide ample opportunities for preservice teachers to learn strategies for applying those theories in their relationships with and instruction of students? The final section in the this text which focuses on higher education institutions offers some insights. This problem, as is the case with so many of the problems one encounters in striving for better teacher preparation, exposes the disjuncture between education and other divisions within colleges/universities. Ideally, sociologists and teacher education specialists would explore cooperatively ways to address the problem. How likely is this to occur without special incentives? What incentives would be needed?

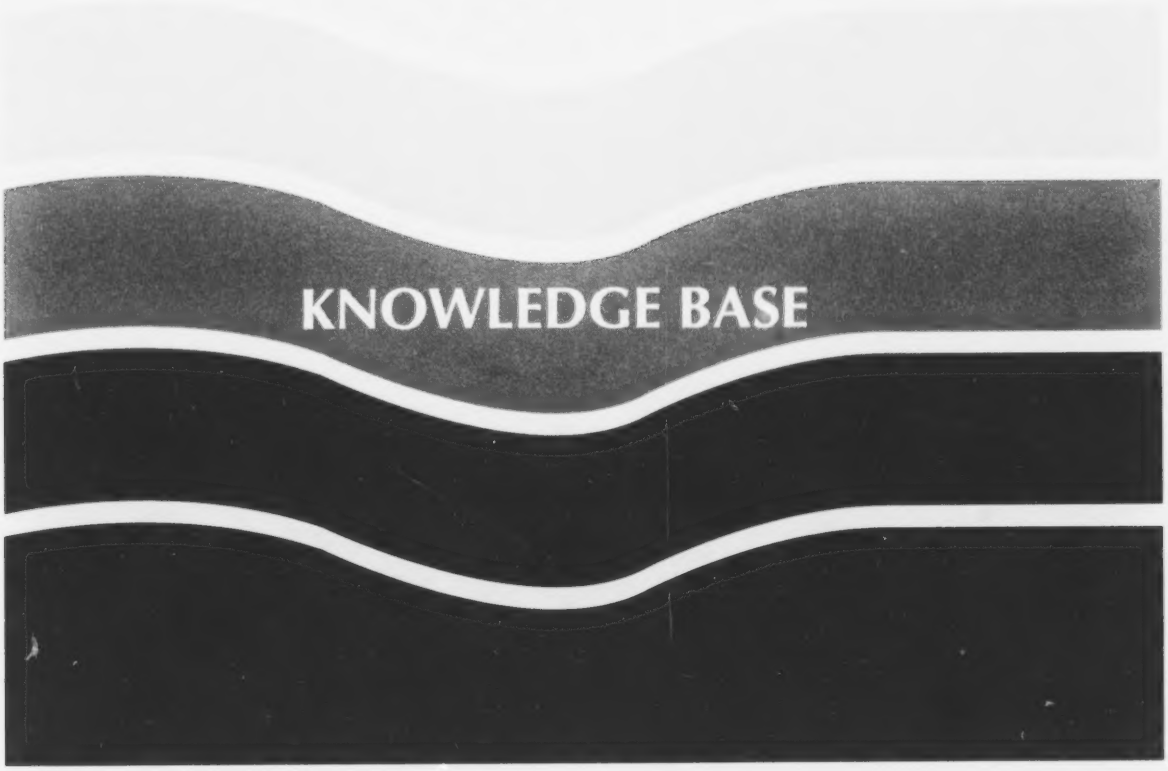
The LREEP study stresses the importance of interactive learning strategies. As Hunter notes, however, "the instructional methods that best transmit the content [of LRE] have not been taught systematically in preservice education courses.... Research on teaching and learning (including the LRE evaluation) point clearly to the importance of providing education students with knowledge of, and opportunities to practice and master, proved instructional techniques." In fact, this research indicates that it is very difficult to instill within teachers the competence and confidence to move out of a passive, information transmission mode of teaching into an interactive, inquiry mode. The effective teacher education model that has been honed in the OJJDP/LRE inservice education program, and described by Lee Arbetman earlier , stresses the need for teachers to understand the theory upon which quality instruction is based and to be given ample opportunity to practice proven instructional strategies. Again, what incentives will impel institutions of higher education to provide preservice teachers with this foundation? One wonders if the appeal to the potential of LRE for curbing delinquency will prove the key that unlocks the door. Is the evidence compelling enough or is more research called for?

Skeel's review of LRE research provides an opportunity to make observations regarding this specific research and the status of LRE research in general. Some of the studies Skeel documents appear to lend themselves to replication in other sites and/or at later times. Wouldn't it be useful, for example, to replicate Byerly's 1980 study now, a decade later, to learn if the concerted dissemination activities conducted in the state during this period have had any impact? In this instance, the 1980 study could almost be treated as a pre-test for the effectiveness of the OJJDP LRE's project's statewide intervention. Knapp's investigation of the factors contributing to the growth of LRE in New York State should prove instructive if conducted in other states where LRE has also thrived. Once several such investigations are completed, implications can be drawn and the findings used to foster LRE development in other states. Van Decar's findings suggest that further research needs to be done regarding the responses of different age groups to LRE treatments. What accounts for Markowitz's finding that "Progressive teachers appeared to foster improved attitudes and behavior while traditional teachers seemed to yield greater knowledge gains"? Would this same difference emerge in other settings? with other LRE programs? Is it possible for both "progressive" and "traditional" teachers to achieve equally balanced attitude, behavior, and knowledge gains in their students? What factors might contribute to this?

The field of law-related education should be an attractive field for researchers to explore. It offers opportunities to apply both quantitative and qualitative research models in many diverse contexts. It offers opportunities for conducting studies of almost any scale, ranging from studies that focus on one or a few classrooms to those focusing on regional and national implementation models. It offers challenges for researchers to devise instruments to measure accurately students' understanding of such complex constructs as "due process," "evidence," "intent," "rights," "freedom," and "privacy" and the impact of instruction on attitudes and behavior. Educational researchers are recognizing the power of bringing teachers into the

research process as partners with professional researchers. There are many LRE teachers who can be readily identified who would welcome the opportunity to participate on such research teams.

—C.A.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OVERVIEW

"What do preservice teachers need to know to teach LRE effectively?" That critical question is explored in the three articles included in this section. Each author responds from the perspective of a different grade level cluster perspective (i.e., secondary, middle, elementary). Collectively the authors provide a useful set of ideas for considering the question. In the process, they demonstrate the elusiveness of consensus and the need for further dialogue.

Rose approaches the question from the perspective of preservice secondary social studies teachers. One of Rose's most important contributions is his four-category framework for organizing the legal knowledge that preservice teachers need to teach law-related education. It consists of *structure*, "enduring institutional arrangements that give order to the legal system" (e.g., federalism, separation of powers); *substance*, "actual rules, norms, and roles that guide the interactions of people within the system" (e.g., Supreme Court decisions, application of statutes); *context pressures*, "the interplay of the formal legal system (structure and substance) with society which fosters both legal and social change"; and *secondary social studies courses* in which these perspectives would be included. Rose uses the 1954 *Brown v. Board of Education* decision to illustrate how the framework applies.

Lamenting what he says is the poor quality of instruction often found in undergraduate social science courses, Rose nevertheless contends that courses in political science, history and sociology necessarily serve as the primary sources of content knowledge about law and the legal system for preservice teachers. He emphasizes, however, that this is not enough. Content knowledge, he argues, needs to be blended with social studies in general and of LRE curriculum materials in particular, with recommendations for effective LRE instruction and the skills to make them a reality in the classroom. Rose also describes some of the attitudes, beliefs, and types of LRE and curricular knowledge that preservice teachers need.

Butler focuses on LRE preservice preparation for teachers at the middle level (which he defines as grades 5 to 8). His perspectives and approach differ from those of Rose in several significant ways. For example, while acknowledging the "historic and rational" relationship between LRE and the social studies, Butler argues that law-related education could and should permeate the entire middle school curriculum. Rather than being limited to the social studies, LRE should be delivered in other courses and activities as well. For Butler, LRE needs to be part of all preservice teachers' programs, not just those for teachers planning to teach social studies.

Instead of describing an organizational framework for content requisites, Butler provides fairly detailed lists specifying what preservice teachers need to know. He includes specific types of information (related to "subject content," "methodology," and "middle school

curriculum"), specific attitudes and beliefs (concerning "students," "teaching methodology," "subject matter content," and "goals and objectives"), and specific skills (related to "methodology," "planning," "assessment," and "acquisition of resources").

Gallagher writes about preservice programs for elementary teachers. Treating law-related education as a synonym of citizenship education, she takes the broadest view of the three authors. Gallagher contends that while institutions of higher education have a responsibility to prepare all of their students to become informed, participating citizens, they have an even larger responsibility in the preparation of those who plan to become teachers: those students, she points out, need a deeper understanding of the meaning of citizenship because they will have the responsibility for teaching that meaning to future generations. Consequently, she responds to the question of what elementary teachers need to know to teach LRE effectively from three perspectives: the teacher as an adult citizen, the adult citizen as a teacher, and the adult citizen as a teacher of children in elementary schools. Gallagher deals with teaching methodology and classroom management skills, the elementary school setting and the curriculum, and essential knowledge, skills and attitudes for elementary teachers to set forth what she regards as the requisites for effective LRE in the elementary grades.

—D.N.

Every citizen should know what the law is, how it came into existence, what relation its form bears to its substance, and how it gives society its fiber and strength and pose of fame.

WOODROW WILSON

What Do Secondary School Teachers Need to Know?

Stephen A. Rose

Introduction: Where Does the Average LRE Teacher Fall Short?

If secondary social studies teachers in training are to effectively incorporate LRE into their teaching and curriculum decision making, not only should they be exposed to the substance of our legal heritage and law throughout their undergraduate academic training, but they should also be introduced to teaching perspectives, methods, and curriculum materials that embody the letter and spirit of LRE.[1] Ideally, preservice social studies teachers, in their general education and content preparation as well as in professional education courses, would be sensitized to the complexities of our legal system. Seldom, I fear, is this ideal achieved. Rather, the legal knowledge and experience of the typical preservice social studies teacher tends to be shallow both in substance and professional practice. What should be the content knowledge base in the social sciences and legal system? What are the requisite educational knowledge, skills, and attitudes necessary for effective instruction in LRE? These questions are the subject of my discussion.

Currently, there is a wide-ranging debate about the role content plays in effective teaching. At the public level, the popular belief is that more and better content is the medicine that will cure ailing public education. Expert knowledge, it is argued, not only informs young people about their heritage but also will equip students with the necessary competencies to make the United States competitive in international spheres. This prescription, in some cases, has manifested itself in public policy on education as is the case in New Jersey, whose teacher certification standards do not require professional training in a college of education to teach public school.

At the national level, the National Endowment for the Humanities is concerned about the failure of schools to properly educate youth

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about their Western heritage, which is a central theme explored in *American Memory*, a report from the NEH (Cheney 1987). Similar concerns about the length of exposure and type of content students receive are expressed in Allen Bloom's *Closing of the American Mind* (1987) and E. D. Hirsch's *Cultural Literacy: What Every American Needs to Know* (1987). Likewise, on many college and university campuses there is often disagreement between the liberal arts faculty and professors of education about the degree of emphasis that content from the social sciences should have in the social studies education program. Many liberal arts professors believe that expertise in content is the single most important criterion for effective teaching and criticize educators for placing too much emphasis on the thinking process without having students develop criteria to select content that is worth thinking about.

Content Knowledge

Fresh substance about this debate is found in the research by Lee Shulman (1986a, 1986b, 1987), which seeks to establish a definable knowledge base for teaching which may one day become the substance of teacher education and inform existing practice. Shulman has been studying preservice teachers through their beginnings as neophyte teachers. Concurrently, "master" teachers have been compared with neophytes in their ability to manage students in general and specifically to manage ideas within the classroom. From these investigations, Shulman has generated new information about the necessary knowledge base for teaching and its role in the instructional process.

Understanding the Foundations of a Discipline

Central to effective teaching is the teacher's knowledge of the scholarship in a discipline. This knowledge should include not only the factual and conceptual base of a discipline but also the nature of knowledge within it embracing the fundamental principles, conceptual organization, and methods of inquiry. This base is crucial to understand how paradigms are created, wherein are established the rules and standards both for the generation of new knowledge and for the abandonment of deficient ideas (Kuhn 1970, p. 11). To achieve this level of knowledge, preservice teachers must be immersed in any discipline they plan to teach. In U.S. history, for example, students should be acquainted with the European foundations through modern times with branch studies in historiography, foreign policy, social and economic history, and constitutional history. During this journey, a student should read the main works in the field and critical literature associated with various eras and should become versed in the main schools of though such as the social, traditional, and conflict interpretations of historical events.

Content knowledge acquired this way helps teachers view topics and issues from different vantage points, a skill that is instrumental in designing instruction for students to consider propositions and their relationship to the law. After all, teachers are not just responsible for explaining the facts, concepts, and generalizations of a subject. They are also accountable for offering warranted explanations about: (a) why an idea, a series of facts, a concept, or a generalization is worth knowing; (b) the relationship among and between elements of the subject matter; and (c) why some propositions are warranted and others are not (Shulman 1986b, p. 9). This type of knowledge has an impact both on what subject matter students are exposed to and on the quality of the explanations they receive. The subtleties of what a teacher teaches are noted by Shulman:

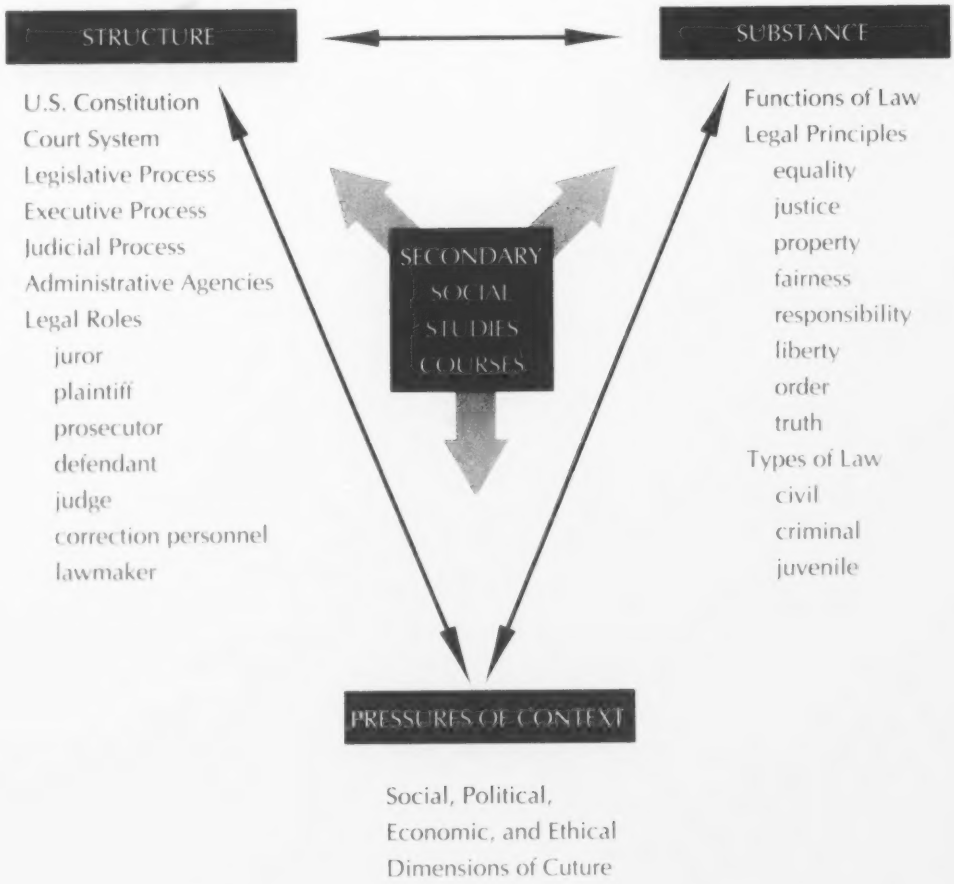
> The manner in which that understanding is communicated conveys to students what is essential about a subject and what is peripheral. In the face of student diversity, the teacher must have a flexible and multifaceted comprehension, adequate to impart alternative explanations of the same concepts or principles. The teacher also communicates, whether consciously or not, ideas about the ways in which "truth" is determined in a field and a set of attitudes and values that markedly influence student understanding. This responsibility places special demands on the teacher's own depth of the structures of the subject matter, as well as on the teacher's attitudes toward and enthusiasms for what is being taught and learned (1987, p. 9).

Given that a thorough preparation in the discipline one will teach is important, perhaps even more so than previously thought, what knowledge do preservice teachers need in order to teach LRE and where are they to gain this information? To answer these questions requires an investigation into three separate but related areas: (a) the legal knowledge base needed for teaching, (b) the organization of the undergraduate liberal arts curriculum and specific courses that pertain to the law and legal system, and (c) recommended changes in the way content is organized and delivered in teacher education programs.

A Framework for Legal Knowledge

The vast complexity and the rich heritage of the U.S. legal system make it unrealistic to expect undergraduate education majors to study all its aspects. The legal knowledge they need is broad-based—sufficient to acquaint them at a macro level with our legal system's structure, substance, and pressures of context and of the relationship of these components to the social

Figure 1
Framework of Legal Knowledge



studies. The framework in Figure 1 depicts the relationship of these elements.[2]

Structure of Legal Knowledge

Elements of the legal system are shown in four categories. What I have labeled structure refers to the enduring institutional arrangements that give order to the legal system. A key source of these arrangements is the U.S. Constitution, which established a federal government with three main branches of government and specifies the main duties of each branch in the lawmaking processes. Stability of form and function over time is also evident in both the executive and the legislative branches. The main rules that govern lawmaking in both houses of the legislature have remained stable, just as presidents, for the most part, have been content to stay within their constitutional authority. Structure of the legal system also includes the rules governing administrative agencies and their make-up, what police forces at all levels can and cannot do, and other long-term patterns of organization.

Substance of Legal Knowledge

The substance of the legal system contains actual rules, norms, and roles that guide the interactions of people within the system. As such, it is the most visible part of the system and the most dynamic. Laws are produced and enforced through the daily interplay of legal roles, legal principles, court cases, legislative statutes and their makers, and administrative agencies' rulings. The impact of these decisions cover a vast range. Some decisions such as those made in a small claims court have an impact only on the relevant parties; others exhibit greater impact, such as OSHA regulations that affect the work and market place; and still other decisions like Brown v. Board of Education and the Civil Rights Act of 1964 serve as catalysts for a social revolution.

Pressures of Context on Legal Knowledge

The pressures of context portion of the framework represents the interplay of the formal legal system (structure and substance) with society which fosters both legal and social change. These changes are influenced by the climate of social thought and practice that embodies the prevailing political, social, economic, and ethical dimensions of culture. That is to say, laws do not exist in a vacuum. It is virtually impossible to address legal issues without also addressing their connection to the larger contextual concerns. For instance, how does one address the legality of the issue of abortion without simultaneously considering religious and medical interpretations of life and the overall political and societal concern for the individual. Similarly, can the issue of prayer in public schools be addressed effectively without considering the press of historical concerns for a great wall of separation and the secular and scientific nature of Western culture. This is not to say that the interaction is one way. As James O. Freedman has indicated, "the shape of the law will be determined by the reciprocal process in which it influences public attitudes at the same that it is influenced by those attitudes" (1985, p. 23).

Secondary Social Studies Courses

The Secondary Social Studies courses in the framework are what give substance to other parts of the framework. This substance is used to deepen students' understanding of the legal system per se and to illuminate and extend their knowledge about what Isidore Starr calls "those great issues which go to the very heart of a democratic society" (1985, p. 43). As he sums them up, they are:

- liberty versus license
- right versus responsibility
- freedom versus security
- privacy versus the right to know
- private property versus public necessity
- equality versus discrimination
- free press versus fair trial
- due process of law versus capricious, arbitrary, and unreasonable procedure (Starr 1985, p. 43).

When viewed holistically, this framework offers guidance in thinking about the legal system and its relationship to the social studies. It gives preservice teachers an idea of the type of knowledge they need and a perspective on the legal system in society to help conceptualize the substantive information that needs to be included in their lessons.

An Example: Equality Versus Discrimination

While it is beyond the scope of this article to demonstrate how this framework can be used with social studies at large, I would like to offer an example. It is reasonable to assume that many preservice teachers will at some point address the equality versus discrimination issue and that *Brown v. Board of Education* (1954) would occupy a significant portion of the study. For preservice teachers to gain knowledge and understanding about the Brown case and the larger issues of equality and discrimination, they must think about multiple areas of the legal system and how they relate to the historical and contemporary dimensions of the issue. Hence the usefulness of this framework.

For example, to understand the case minimally one must understand the structure of the legal system, for without it one does not even understand why the case was decided in Washington, D.C., instead of Kansas. Additionally, knowledge of the U.S. Constitution, federalism, the relationship between legislatures and the courts, and other structural features of the legal system are necessary.

As for substance, to understand why there was a unanimous opinion delivered by Chief Justice Earl Warren that outlawed segregation in the schools, one needs to understand why the Fourteenth Amendment with its equal protection, due process, and privileges and immunities clauses was added to the Constitution; the separate but equal doctrine established by *Plessy v. Ferguson* (1896) and how this doctrine helped support the system of racial segregation; and the precedents set in *Sweatt v. Painter* (1950) and *McLaurin v. Oklahoma State Regents* (1950).[3]

While knowledge of structural and substantive elements helps one to understand the case itself, it does not effectively explain why the case came up at a particular point in time or why it came out as it did. To reach that level of understanding, one must consider such matters as the pressures of context which reveal a gradual movement to end discrimination and segregation. It is also important to examine the push and pull of interest groups, and what kinds of domestic and international political and social changes related to race discrimination may have influenced the Court. Additionally, this case in particular had an impact on other parts of the legal and social system through the national debate it kindled, the activity it generated in state legislatures, the future court cases it spawned such as Bakke, and federal legislation such as the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

Organization of the Undergraduate Curriculum

If such a knowledge base and perspective are necessary for effective instruction and infusion of LRE in the social studies classroom, where in the undergraduate curriculum are preservice social studies teachers to acquire this information?

The Ideal Curriculum

Ideally, the undergraduate curriculum would contain an organized and well articulated core of courses focusing on the nature of law, its function and purpose, and the cultural context out of which legal systems evolve (Katsh 1985, p. 65). Students who have taken the core would have a broad knowledge of those great issues that go to the heart of a democratic society and of a variety of ways the law and the legal system affect the individual and society. Built upon this common knowledge would be advanced courses in any one of several majors in the social sciences or humanities. Additionally, teachers would study the dynamics of the legal system and its relationship to schooling principles and practices. Here preservice teachers would have an opportunity to consider case studies involving constitutional aspects of students' rights, institutional obligations, and other legal mandates for education.

The Current State of the Curriculum

Unfortunately, many colleges and universities offering teacher education programs do not systematically treat legal literacy through a separate program of legal studies, nor do they attempt to integrate a theme of legal literacy throughout the undergraduate curriculum for teachers. What generally exists is a "catch as catch can" atmosphere where numerous courses may have content pertaining to the legal system, but it is largely up to the enterprising undergraduate with the luck of good advice to identify them. Even then, once in such a course, students are often exposed to dreary teaching that consists primarily of either dull lectures or fact-oriented workbook assignments (*Tomorrow's Teachers* 1986, p. 15). Professors often have a profound knowledge of the subject matter but possess woefully inadequate teaching skills. Given the power of modeling, these practices reinforce the simplistic notions that teaching is just providing information and testing to determine how much information students can remember.

While this situation is far from perfect, from both a pedagogical and a curriculum perspective, it is still possible for undergraduates to gain a knowledge about the legal system by enrolling in various social science courses offered at most colleges and universities. For instance, departments of political science generally offer several courses dealing with constitutional law, the legislative and executive branches, and governmental institutions' interaction in the policy-making process, thereby exposing students to the structural and substantive areas of the legal system. Departments of sociology offer various courses in criminology, deviance, and juvenile delinquency, effectively illustrating the pressures of context in emphasis on the social basis of crime, in law in action versus law in the books, and in their theoretical and philosophical orientation toward law and the maintenance of the social order. In its treatment of law, history offers students the opportunity to understand how the development of structure, substance, and pressures of context work and how they together form the basis of the legal system and the dynamics of the systems' evolution.

Failure in Program Articulation and Integration

Whereas students will gain knowledge about the legal system from the vantage point of a particular discipline under this arrangement, it is, however, unlikely they will gain a broad and integrated perspective about the nature of law and its relationship to society. Nor will students be exposed to instruction that regularly pays close attention to pedagogy. That preservice social studies teachers are unlikely to gain appropriate con-

tent and teaching perspectives from their undergraduate education should be a source of concern for educators who think LRE should be a part of every schoolchild's education.

Of course, these shortcomings are not unique to legal content or many content topics in the social studies and in other areas of education. That this situation is endemic in all too many teacher education programs was one of several catalysts for Tomorrow's Teachers: A Report of the Holmes Group (1986). That report was highly critical both of how the undergraduate curriculum is disjointed into specialized fragments and of the way university courses are taught and the incoherence of programs of pedagogical studies in many departments and schools of education (pp. 16-17). Whether the Holmes Group's recommendations regarding curriculum integration and appropriate pedagogy in undergraduate school and coherent teacher education programs at the postbaccalaureate levels will be accepted by a sufficient number of teacher training institutions to make a difference in teacher education is an open question at this time. If, however, those of us involved in teacher education do not address the problems of program articulation, integration, and delivery of instruction that is consistent with quality pedagogy and curriculum design, we will be left with simplistic notions of teaching.

Knowledge of Educational Practice: What the OJJDP LRE Evaluation Project Has Confirmed

My final area of concern, educational practice, brings me to the teacher's knowledge of the landscape of the social studies in general and of LRE curriculum materials in particular and to recommendations for effective instruction in LRE and the skills needed to make them a reality in the classroom. Developing effective educational practice in LRE, as in any other area of emphasis in teacher training, depends on many elements in an educational program. Clearly, educational psychology and foundations of education courses help enhance students' understanding of learning theories and their implications for instruction, and they provide information about the historical and modern social/legal contexts of schooling. But important as that kind of knowledge is, these courses do not help students transform personal knowledge about the law into powerful lessons that can be adapted to variations in their ability and background. Achieving that goal requires taking methods courses and having field experiences with practice in mainstream social studies methodology and the chance to learn about its relationship to LRE.

Hence, quality instruction in LRE is consistent with the canons of quality social studies methodology described in the professional literature. Those characteristics include (a) reflective teaching, which places strong emphasis on the scientific method; (b) critical thinking; (c) rational decision making; and (d) interactive teaching methods that make effective use of case studies, simulations, role playing, value analysis, media, cooperative learning, and action learning in and out of the classroom. Yet by comparison with social studies in general, LRE does require one to emphasize certain instructional aspects over others, given the research base in LRE and the wisdom of more than two decades of practice.

LRE, for several years, has been the subject of a major national research project funded by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) of the Department of Justice and carried out by the Center for Action Research at the University of Colorado and the Social Science Education Consortium in Denver. Numerous studies have been conducted[4] involving thousands of students across the United States, and they have confirmed what many national LRE project directors and staff had suspected for many years, namely, that LRE, when properly taught, is an effective catalyst for developing the knowledge, skills, and attitudes related to responsible civic participation. Among the various recommendations that emerged from this research, four are directly relevant to teaching preservice teachers about the important components of effective LRE instruction. These are: (a) provision of sufficient quantity and quality of instruction, (b) judicious selection and presentation of illustrative case materials, (c) teaching of strategies that foster true interaction and joint work among students, and (d) adequate preparation and use of outside resource people. For those of us charged with teacher training, it seems clear that our students need to be exposed to the Office of Juvenile Justice and Delinquency Prevention evaluation and research and that we should make sure those recommendations get put into practice.

Quantity and Quality of Instruction

The recommendation on quantity and quality of instruction suggests incorporating the substance and the methods of LRE into social studies courses on a regular basis. As for teacher preparation, preservice teachers must be ensured of getting sufficient content knowledge to provide adequate depth and density of instruction. Methods instructors need to introduce students to common practices of effective teaching such as stating objectives, establishing a mental set, pacing instruction, checking frequently for understanding, and making provision for students' practice and demonstration of understanding. Preservice teachers will need to learn how to deal with controversial issues, which requires skills in managing ambiguity and controversy as well

as in organizing complex and difficult material. In addition, preservice teachers have to know about curriculum materials that illuminate various sides of the controversy while maintaining depth and density of coverage.

Before continuing to discuss what the other three recommendations imply for those who train teachers about LRE, I would like to continue to develop the idea of the necessary curriculum knowledge. This knowledge interfaces with virtually all of the recommendations that I will return to shortly. If those of us in teacher education realistically expect our students to develop lessons with legal content and infuse them into the subjects that they teach, then we need to devote ample time for curriculum demonstrations and reviews of these materials by students so they can determine where these items fit in the landscape of social studies.

While numerous professional organizations publish LRE curriculum materials and/or offer various instruction services, perhaps the most active in this regard are the Constitutional Rights Foundation (CRF), the American Bar Association, the National Institute for Citizen Education in the Law, and the Center for Civic Education/Law in a Free Society. All publish an extensive array of materials to help integrate teaching about the law with typical content in the social studies to enhance the teachers' substantive knowledge about the law. Space does not permit a complete listing of materials, so two examples must suffice. A quarterly publication from the American Bar Association, *Update on Law-Related Education*, contains both articles by legal scholars on a variety of topics and a series of instructional strategies written by educators on the theme of each publication. The CRF publishes a wide variety of curriculum materials based on an infusion model. One series is *The Law in the Social Studies*, which is designed to infuse information about the law and legal systems into standard objectives and topics in world history, U.S. history and American government. For example, the part on ancient Greece in the world history curriculum examines the development and purposes of legal processes. In the U.S. history materials, the Civil War is used to explore the balance between individual freedom and the general welfare. Knowledge of instructional materials and services, then, is part of the pedagogical knowledge one must have to act on the OJJDP recommendation concerning quality and quantity.

Judicious Selection and Presentation of Illustrative Case Materials

To select and present illustrative case materials judiciously requires competency in designing and executing lessons that present a realistic picture of the legal system, for the law not only embodies the values of society but is present at all of society's tension points. Hence, realism is not to be taken lightly by those who design instruction: it means that the legal system should be presented in a balanced manner. Teachers should not be interested in creating naive flag wavers or cynics down on the system. What teachers need to do is help foster respect for the law. The legal scholar Paul Freund reminds us of what this entails.

> The respect for law that I have in mind comes not because respect for law is mandated, commanded by the teacher. Rather, it comes as a by-product of understanding the legal process, in particular, understanding the fact that the problems the law deals with are genuine problems, that they are complex, that they are difficult and that those who have been trying to resolve them by administering the law, making the law, revising the law, interpreting the law, are doing a very onerous job, one which the students themselves would find very difficult. There cannot but be respect as a result of that awareness, of the illumination (1973, p. 367).

What are the factors of success in portraying the legal system in a realistic and balanced manner to foster this type of respect? Clearly, what has been said about curriculum and content knowledge applies here, but I fear that if we stop here it is unlikely that balance and realism will prevail. We must also concern ourselves with preservice teachers' attitudes toward the rational process, the legal system, and the role of the citizen in a democracy. Specifically, attitudal requirements are:

- Belief in the legitimacy and utility of conflict and controversy in the rational consideration and resolution of social/legal issues.
- Belief that the public good is promoted by reasoned discussions of divergent views and claims.
- Belief in the viability of the U.S. legal system with an appreciation of both its strengths and weaknesses and what can realistically be accomplished through legislation, litigation, and other forms of dispute resolution.

Teaching Strategies That Foster True Interaction and Joint Work

If teachers are to conceptualize, develop, and execute effective lessons about the legal system, they must learn in training about the importance of teaching strategies that foster true interaction and joint work among students. It is not enough to teach the particulars of how to use case studies, role playing, simulations, small-group work, and other methods that foster interaction among students. A more sufficient condition is to provide opportunities for preservice teachers to develop a defensible rationale for teaching social studies that articulates the desired characteristics in citizens

and citizen action in a democracy—a philosophical foundation that specifies both the instructional approaches to be used to teach social studies and the pedagogical procedures consistent with its aims—and that spells out the role of the teacher and the students in the learning process. Such rationale, overlaid on knowledge about the technical considerations of executing interactive methods, is likely to equip preservice teachers with a multifaceted framework that allows them to approach teaching that blends theory into practice.

Preparation and Use of Outside Resource Persons

According to the OJJDP last recommendation, adequate preparation and use of outside resource persons is strongly associated with student interest in LRE, increased attachment to teachers and schools, and modest shifts from delinquent to nondelinquent peer associations (Hunter 1987; Anderson, 1987; Pereira 1988). Given that this recommendation appears to be a necessary and significant part of LRE, what do the preservice teachers need to know about using outside resource persons? Two areas deserve direct treatment in methods classes: (a) what is to be gained instructionally from using resource persons and (b) how to prepare these people to have optimal impact. Chief among the many advantages in using community resource people is that they offer firsthand, specialized information from a particular view of the legal system that cannot be found in school. Police can talk about concerns of inmates in the city jail, judges can share insights about local trials, family violence counselors can talk about the needed laws, etc. A second advantage is that resource persons, by virtue of their role and experience in the legal system, offer a high degree of authenticity that generally creates interest among pupils. This, coupled with quality interaction about topics and issues laden with normative or moral content, according to the OJJDP research, is significant in attitude and behavior change (Hunter 1987).

Once preservice teachers understand the rationale for using resource persons, they can then be given information about how to prepare and design instruction that uses a resource person. First, such instruction should be interactive. That entails providing resource persons with information about using presentation techniques for reaching the whole class, not just a few receptive students. In other words, students and the visitor should have ample opportunity to exchange ideas and information. Second, the topics should be relevant to the course and have a good fit with the sequencing of the material and the objectives of the course. Third, the teacher and students need to make preparations in advance of the visit to maximize quality participation. For example, students may prepare a list of questions to be asked or draw up position statements or proposals about particular issues in advance of the visit. Finally, resource persons need to receive advanced preparation about how the content they provide will fit in with the material under study and how they can present the part of the legal system they know best in a balanced manner.

Conclusion

Approaching the topic of what knowledge, skills, and attitudes preservice secondary social studies teachers must have to teach LRE effectively is somewhat like a schoolchild struggling to answer an essay question that requires him/her to write a history of the world in 300 words or less. Like a schoolchild, I viewed this task with both optimism and great alarm, optimism because here was a chance to think and write about a significant topic in teacher education and alarm because how can such an important subject be addressed in an essay of this size?

Now, at the close of this task, my alarm has been replaced by a sense of guarded satisfaction that both recognizes the risks of making recommendations on broad areas of teacher training and at the same time offers opportunities to stimulate discussion about what should be the focus of teacher training in LRE. I do believe, however, that if the suggestions made in this essay are acted upon in teacher education programs, their graduates will have the beginnings of a sophisticated understanding. They will understand the complexities associated with developing effective citizens. They will understand how LRE can play a significant role in the process. And they will know how to make choices about instruction that are likely to enhance secondary students' abilities to consider the moral complexities of our shared concerns and are likely to influence their disposition to take responsible actions to remedy injustice.

NOTES

1. While LRE is not exclusively the domain of social studies education, it is in this field where most learning about the law will occur in the secondary curriculum. Similarly, to teach LRE one has to have the appropriate knowledge base and it is more likely that persons being trained in the social sciences will acquire the necessary legal knowledge in their program of course work than teachers who are preparing to teach other disciplines. The importance of breadth and depth of knowledge is one of several critical factors explored in this paper. Lastly, in a paper of this length it is important to try and target the audience that has the greatest mainstream interest in LRE—teacher educators who concern themselves with providing courses and clinical experiences to preservice social studies teachers.
2. Several sources were consulted in creating this schema, Lawrence Friedman's *American Law* talks about three main elements of American law—structure, substance, and legal culture. My discussion of structural elements closely parallels Friedman's definition of structure. The legal information contained in the substantive component portion of my schema was influenced by the Constitutional Rights Foundation's "Framework of Law-in-the-Social-Studies Legal Content," and the pressures of context part of the schema was influenced by James O. Freedman's "The Law as Educator" in *The Bulwark of Freedom* and Isidore Starr's "The Five Great Ideas of Our Constitution" and "Great Constitutional Ideas: Justice, Equality and Property" in respectively the winter and the spring 1987 issues of *Update on Law-Related Education.*
3. Recall in *McLaurin v. Oklahoma State Regents for Higher Education*, 339 U.S. 637 (1950), that the Court ruled that segregated education at the graduate level did not meet the Fourteenth Amendment equal protection requirement and that in the *Sweatt v. Painter* case, 339 U.S. 629, (decided the same day as *McLaurin*), the Court ruled that separate professional schools for blacks were inherently unequal.
4. See R.M. Hunter's article, "LRE and Delinquency Prevention: Implications for Preservice Education," at pp. 49-62 of this book.

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Knowledge Base for Preservice Education Teachers of Law-Related Education at the Middle School Level

Charles E. Butler

Introduction

The current reform movement in education has resulted in asking anew some old questions about the preparation of teachers. The difference now is the sense of urgency that attends the questions, a sense of urgency heightened by the possibility and probability that the questions can be answered in ways that might fundamentally change the education/training process for teachers. One of the questions revisited concerns the knowledge base necessary for effective teaching in schools, K-12. A more specific version of that larger question is the focus of this essay. That question is: What do middle school teachers need to know in order to teach law-related education, especially, but not exclusively, in the social studies?

The question at issue appears to be a derivative of the larger question of what teachers need to know to teach law-related education at the secondary school level generally. The answer to the large question is much clearer than the answer to its derivative. Robert O'Neil (1983), in discussing law-related education, suggests the general answer to the basic question when he writes:

> ...the question of content may be relatively simple. Materials for the study of law at the secondary level abound. Many of them involve imaginative case studies—simpler in language and less complex in context than those used in law school, but not profoundly dissimilar in concept: principles of free speech and press, freedom of religion, equal opportunity in schools and other public institutions, due process in the enforcement of criminal law, equal access to government benefits regardless of discrimination on grounds of race, nationality, religion, sex, and other immutable factors. These and other basic tenants [sic] of the Bill of Rights can be expressed and applied in a wide variety of settings (p. 16).

At this time, we are still lacking an empirical research base sufficient to support the experiential and common-sense underpinnings of current teacher education/training practices in law-related education. The ideas advanced in this essay are based on my experiences as public

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How to Go About Establishing a Knowledge Base for the Middle School

Any discussion of the knowledge-base preparation of teachers quickly evolves into and then devolves to a discussion of the primacy of content over process, or vice versa. It is generally assumed that a knowledge base for teachers means knowledge of content to be taught. Clark and Starr (1976) provide a basis for circumventing the divisive process/content debate over teacher preparation and teaching. According to them, there are several types of knowing: "we can know about, we can know that, and we can know how" (p. 7). My position is that the preservice teacher must know that, know about, and know how. The first two might be conceived of as determining requisite content, the last one as determining requisite skills.

More directly, Clark and Starr feel that attitudes are always a part of the core subject matter to be taught. They state: "Knowledge of one's content requires that one has mastered the intellectual skills and acquired the attitudes and appreciations essential to the subject field" (p. 6). This view is consistent with my position, which also, ideally, calls for balance among information, attitudes and appreciations, and skills.

It is important to stress that information and knowledge are not synonymous. Information is a necessary, but insufficient, condition for knowledge. Knowledge is the result of the integration of information, attitudes and appreciations, and skills in the generation of more abstract, new information. Information may be gained from a source external to the learner; knowledge is always generated by sources internal to the learner. Much of the content-based specialty training of teachers appears to be the sharing and conveying of information rather than the acquisition of knowledge. The knowledge base for the preservice training of teachers of law-related education at the middle school level must truly be a *knowledge* base rather than an *information* base. It is true to say, however, that information is the basis for the development of knowledge, skills, and attitudes and appreciations, individually. It seems clear that every teacher has a knowledge base that is undergirded by some information base, however adequate or inadequate either may be when measured by some criteria. Because the information base is never static, neither is the knowledge base. Ostensibly, knowledge bases may be judged on a continuum of quality. For me, a range of quality from inadequate to excellent would be conceptually sufficient. While excellence in the knowledge base is highly desirable, it is, like the other gradations, highly subjective. Nonetheless, it is probably easier to attain consensus concerning adequacy, the thrust of this essay than excellence, in terms of knowledge base.

The Middle School and the Transescent/Pubescent Student

The term *middle school* is used throughout this article to refer to those schools, public or private, which serve students in the grade range 5 to 8, and the age range 10 to 15 years. In some school districts, these schools are referred to as intermediate schools. In others, the grade ranges are subsumed in the more traditional elementary and high schools. These schools serve the population group that is in transition from childhood to adolescence. Psychologists and middle school theorists frequently refer to these students as either "transescents" or "pubescents." The former term is generally used when dealing with psychosocial considerations, the latter with physiological considerations. Both terms, however, are intended to convey the "specialness" of children and students in that developmental stage.

Psychological scholarship commonly deals with the special problems faced by these students' problems that militate against effective learning and make the teaching process more difficult for teachers. In fact, students in the pubescent/transescent stage of development frequently exhibit the erratic behavior characteristic of any individual in transition. At one time, in school terms these students are adolescents who belong in high school; at another time, they are children who belong in elementary school. Their erratic behavior and attendant mood shifts require teaching that assumes and plans for this reality. But this age group also possesses psychosocial characteristics that may actually facilitate the teaching of law-related education concepts. Significantly for law-related education, this age group usually possesses a keen sense of justice.

Middle schools have had the primary function of easing the transition from elementary to high school. As such, they are a relatively recent phenomenon. The intermediate units more common in the past—junior high schools and other intermediate schools—were replaced by their more recent version, the middle school, because they tended to become mere versions of the high school. As such, these units were ill equipped to deal with the special psychosocial and attendant educational problems of transescent/pubescent learners. The middle school was purposefully developed to be compatible with and congenial to the special needs of its students. Specifically and ideally, this new type of intermediate school was to provide expanded guidance services, large teaching time blocks, team teaching, and student-centered curricula and related and facilitative methodologies. Equally important, these middle schools initially provided opportunities for curricular

and teaching experimentation because they did not incur the restraints of meeting regional accreditation requirements. As regional accreditation has expanded and extended downward to the middle schools, there is some concern that they will lose the flexibility that allowed them to work effectively with students in the transescent/pubescent period. Educators have at their disposal an organizational structure that could facilitate the innovative and experimental approaches to education that should characterize the teaching of law-related education and the effective teaching of students in middle schools. Middle school is truly where teachers may, if they choose, teach students rather than subject matter!

Social Studies and Law-Related Education

The relationship between social studies and law-related education is both historic and rational, though it is clear that law-related education could and should permeate the entire middle school curriculum, since law permeates the entire fabric of this society. More than any other course or learning activity in the school, the social studies, Bragaw and Hartoonian (1988) believe, have a "greater responsibility for helping students to study and train to assume the role of citizens" (p. 25). Bragaw and Hartoonian assert that one of the most important roles of a citizen, the political centerpiece of which is citizen participation, is itself made possible by various legal/judicial guarantees.

According to them, the current emphasis in social studies is on policy studies, and that emphasis is recent. Clearly, law-related education is critical in such an emphasis, since laws create policies and vice versa. However, they acknowledge that the struggle for the maintenance and inclusion of law-related education continues, in spite of its high relevance to the very significant goal of citizenship education. While certain of the social studies (U.S. history, government, civics, etc.) have become institutionalized, others have not. "Less constant and far more subject to political and educational winds," they point out, are "world history, cultural studies, the various social/behavioral sciences as individual electives, and special topics, such as the environment, law-related education and so forth" (p. 17).

The evolution of law-related education has been influenced by the evolution of the social studies. In many cases, law-related education has been the beneficiary and the victim of the fortunes or misfortunes of the social studies. To the extent that law-related education has been linked to the social studies, it has suffered the same low esteem as social studies. It is important that prospective and preservice teachers understand that law-related education can be delivered in other courses and activities. In fact, it could be substantiated that the growth of law-related education may have been stymied by the tendency of educators to pass on to social studies teachers the responsibility for an important educational activity— instruction in citizenship.

General Education and Law-Related Education

Earlier discussion suggesting that law-related education be delivered through courses other than social studies makes possible the reconsideration of law-related education as general education studies. This reconsideration assumes that law-related education is important enough to ensure that every middle school student has access to appropriate and related instruction and learning experiences. It is also important enough to ensure that no student can complete the school's program without such instruction and learning activities. Such a commitment, when implemented, might lead to the development of special courses, with special activities such as mock trials and law days, and other possible law-related experiences, such as unit-based instruction and field trips. The point to be made is that ideally all preservice teachers should be prepared to teach law-related materials in their courses, regardless of the course name or content.

In a rational society of laws rather than of persons, students who have knowledge of the legal system and its effects on their lives are more likely to live successful and enriched lives. As the society becomes increasingly litigious in an evolving climate of social Darwinism (survival of the powerful) and loss of faith in the concept of mutual dependence, knowledge of law becomes almost as basic as the three Rs. I would find it difficult not to support a viewpoint that posited law-related education as a basic; any listing of candidates to be named as the very next educational basics would have law-related education at the top.

Philosophical Considerations

It is generally accepted that the development of any curriculum should start from a philosophy of education. The larger guiding view should allow the curriculum to be "fixed" when individual elements and processes become dysfunctional. When properly used, the philosophy prevents practitioners from losing their direction. It becomes the ultimate criterion by which all behaviors and decisions are measured and justified. In this section, I offer thoughts to be adopted as the educational philosophy that should govern all programs for training law-related education teachers who are involved in the development of interdisciplinary subject matter.

A first tenet of this educational philosophy is that subject matter, particularly at the middle school level, is primarily a vehicle for achieving other educational goals: it is not itself the goal. All subject matter is significant to the extent that it is used as a vehicle to

train students to become better and more productive citizens. Any subject taught in school that cannot be logically related somehow to this broad citizenship goal has no place in the school curriculum. Law-related education has been shown to be an effective mechanism for citizenship development. As such, its role in the curriculum is critical.

A second tenet of educational philosophy is that teachers are personal and intellectual models. Often, much is taught through unplanned modeling as through planned teaching approaches. Students' views about the importance of academic achievement are shaped to no small degree by teachers' behaviors and attitudes toward such achievement. It is as important to provide students with good, enthusiastic, moral, and self-confident teachers who have positive professional and personal attitudes as it is to provide them with academically talented teachers, assuming the two sets of qualifications could not be obtained in a single teacher or group of teachers. Experience suggests that teachers frequently become highly motivated by law-related programs and materials and develop more positive professional attitudes and behaviors.

A third element of this philosophy concerns realistic expectations about what a preservice teacher training program can accomplish. In some manner, preservice teacher trainers and programs must convey the idea that no current teacher-training program can accomplish much more than provide the novice teachers with enough training to survive teaching until they learn how to teach! Preservice teachers should not be led to assume that they will be outstanding or excellent teachers in the first two or three years. Indeed, it is not likely that they will even be good in that period of time. These novices must leave the preserve training with a sense of their need for continuing professional and personal development. Current efforts to integrate law-related education into undergraduate teacher-education programs should not mask the fact that the major contribution of law-related education has been to the inservice education of practicing teachers.

A final philosophical perspective is that colleges and universities cannot do more than assist in training preservice teachers. Public schools must be more integrally involved in the training process. Part of the current difficulty stems from training institutions' inability to replicate the public school classroom and, therefore, the related inability to be a complete model for and of those things taught by faculty at these institutions. Historically, the law-related education programs that have been most successful and productive have enjoyed a high level of cooperation among several groups, including public schools, colleges and universities, and community-based organizations (particularly those that are law oriented.)

An Inventory of Minimum Knowledge Requirements

What teachers in training need to teach law-related education to middle school students should be interpreted in light of this perspective on education. And the following items are offered with the assumption that such teaching is done effectively. They represent minimal essentials for adequate teaching.

The knowledge base, which includes information, attitudes, and skills, must relate to subject content, students to be taught, and the organizational delivery system—in this case, the middle school. This sequence, with information first, reflects the priority for approaching the knowledge triad. I do not subscribe to the general notion that a teacher need only possess appropriate professional and personal attitudes in order to teach any subject matter, particularly when they lack information about it. With minimal content information and teaching skill levels, the teacher with positive professional and personal attitudes can likely do an adequate job. However, the converse is less likely to be true: a teacher with an outstanding level of content information, but with negative professional and personal attitudes, likely cannot do an adequate job. Indeed, the development of the requisite skills and the acquisition of content information is highly dependent on the possession of the appropriate attitudes.

Information

Teachers in training must acquire information in specific subject-content areas and about methodology and the curriculum. Preservice teachers should possess or acquire information about the following:

- A particular discipline, preferably in one of the social studies (sociology, history, political science, etc.), general social studies, or specialized law-related education components of another discipline taught in the middle schools
- The history, language, and structure of the United States Constitution, including the preamble, articles, Bill of Rights, and amendments, and of relevant state constitutions
- The process of lawmaking in the United States, at all government levels (local, state, and national), with emphasis on the collaborative subprocesses: negotiations, the involvement of special interest groups, lobbyists, and competing political parties
- The nature, significance, and application of such concepts as separation of power, checks and balances, judicial reviews, individual/human/civil rights, justice, equity, power property, equality, liberty, privacy, and federalism

- The types of law, both criminal and civil, with emphasis on civil rights, juvenile, law, family law, and consumer law
- Precedent-setting Supreme Court decisions, such as *Gideon v. Wainwright*, *Brown v. Board of Education*, *Marbury v. Madison*, *Plessy v. Ferguson*, etc.
- Major precedent-setting hearing and appellate court decisions of relevant states
- Major sources of philosophical, legal, and ethical thought undergirding the legal system of the United States and its Judeo-Christian values
- The living nature of the law—how it changes and evolves, both initiating and reacting to societal changes in values
- The titles and roles of various members of the legal profession (attorneys, judges, law clerks, sheriffs, county attorneys, juvenile and probation officers, bailiffs, court clerks, court reporters, etc.)
- The court process and specific procedures, including indictments, hearings, trials, and appeals
- Current research data that expand the knowledge base concerning the transescent/pubescent learner, law-related education, effective methodologies, and the interrelationships among these three areas
- The structure and functioning of the various civil courts, including juvenile, family, and small claims
- The nationally recognized law-related education materials: *Street Law*, *Update on Law-Related Education*, *Teaching About the Law*, *Great Cases of the Supreme Court*, *LRE Project Exchange*, etc.

Methodology. Preservice teachers should have an understanding of the following components of methodology.

- Cognitive learning and teaching approaches suited to the transescent/pubescent learner (i.e., applications of Piaget's cognitive development theory, Kohlberg's moral development theory, concept-attainment teaching models, the jurisprudential teaching model)
- Teaching and learning approaches fostering affective learning and development, particularly in middle school (i.e., group discussion, value analysis/classification, debates, simulation, role plays)
- The social, emotional, psychological, physical, and intellectual characteristics of the middle school learner (i.e., stages of moral development, physical, psychological and behavioral traits, concrete formal learning status generally)
- Various approaches to the observation and evaluation of teaching methods, including Flander's-type scales and general observation/evaluation scales and instruments
- Various approaches to the evaluation of students, in terms of affective development.

Middle school curriculum. Preservice teachers need the following kinds of information about the middle school curriculum:

- The nature of the middle school curriculum (goals, objectives, and processes that distinguish it from the elementary and the high school curriculum)
- The nature and placement of social studies in programs of study in the middle school in light of broad educational objectives (education/training for citizenship in the United States, specifically, but perhaps also in a larger law-oriented society)
- The nature and placement of law-related education in the middle school curriculum (both traditional and nontraditional delivery systems)
- Significant issues/controversies regarding the delivery of law-related education in the middle school curriculum
- Criteria for the evaluation of the school curriculum, both academic and nonacademic

Attitudes

To effectively teach law-related education in the middle school, teachers need to develop certain attitudes or ways of thinking about the students, teaching methodology, subject-matter content, and goals and objectives.

Students. Preservice teachers must have or develop the following attitudes affecting students:

- A positive feeling about learners and learning at this level (best inculcated or elicited through discussing the advantages and disadvantages of teaching at the middle school level)
- A belief that all students can learn and, most importantly, that all students can and must contribute to their own learning
- Appreciation for student diversity in socioeconomic background and experience and in learning styles
- A commitment to teaching all students to the upper limits of their abilities
- A commitment to applying constitutional principles to the operation of the classroom and the treatment of students

Teaching methodology. Preservice teachers need to develop the following attitudes toward teaching methodology:

- A recognition that there is no best law-related teaching methodology for all middle school students or for all teaching/learning circumstances
- An understanding that any effective teaching approach must be consistent with relevant course goals and objectives, instructional levels, and needs of the students
- A willingness to experiment with and adopt a diversity of approaches and activities in teaching
- An understanding that effective teaching/learning is the product of interaction with and among various physical and human resources and is not the mere imparting of information and acquisition of facts
- A recognition that teachers are facilitators and efficiency experts in the teaching/learning process more than they are purveyors of knowledge
- Acceptance of the reality that the failure to achieve closure, with respect to teaching and teaching/learning decisions, is not necessarily reflective of poor teaching or learning
- Willingness to assume responsibility for dealing with controversial issues in teaching and law-related educational activities

Subject matter content. Preservice teachers need to develop the following attitudes toward content:

- An appreciation of the significant contributions law-related education can make to the education of students for effective citizenship and to the curriculum in general
- A belief that our present governmental system with its legal system, though imperfect, is potentially the best possible system, given the mechanisms built in to protect the human/civil rights that are the core of the system
- Confidence that the legal system is theoretically at least adequate for dealing with all problems and that nonlegal means, such as arbitration and negotiation, must be applied when appropriate
- An understanding that subject matter should be a means for achieving citizenship goals, broadly conceptualized, not an end
- Understanding that law-related education can be experienced informally as well as taught formally

Goals and objectives. Preservice teachers need to develop the following attitudes toward goals and objectives:

- The belief that education for citizenship in a government of laws, rather than of persons, is highly desirable and significant, if not a primary educational objective
- An appreciation for and acceptance of the basic philosophy and purposes of the middle school
- An understanding that effective teaching is based on effective planning, with and the development of goals objectives the first steps in developing effective teaching plans
- A recognition that goals and objectives should be linked to the needs and abilities of the students
- A belief that specific goals and objectives can be met through a variety of techniques and content

Skills

The skills required to teach law-related education in middle school have to do with methodology, planning, assessment, and the acquisition of resources.

Methodology. Relative to skills in methodology, preservice teachers need to know how to:

- Develop, implement, and "process" nontraditional, group-oriented teaching methods, such as role-playing, case studies, small groups, conflict-resolution and negotiations
- Formulate and pose questions designed to achieve specific course goals and objectives, particularly those related to higher-level thinking and cognition
- Organize classrooms that involve all students/learners to the maximum extent
- Teach with a variety of approaches to achieve a variety of outcomes
- Use a variety of audio-visual aids and equipment in teaching

Planning. Relative to planning, preservice teachers need to know how to:

- Develop lesson plans that are consistent with the content to be taught, the maturity level of middle school learners, and the significant and accepted assumptions of law-related education methodology
- Develop lesson plans that are objective-specific and can be evaluated according to stated criteria;
- Develop plans for special and unique learners and learner situations, particularly individual educational plans for handicapped students
- Develop measurable objectives in the affective, cognitive, and psychomotor domains
- Involve students and resource persons in planning courses and activities

Assessment. To assess their materials and performance, preservice teachers need to know how to:

- Develop and use a variety of techniques for assessing group development and group processes

- Develop formal and informal techniques for evaluating individual and group learning, with special emphasis on affective learning
- Evaluate various law-related programs, courses, and activities
- Distinguish between the various assessment instruments, in terms of purposes, advantages, and disadvantages
- Read, interpret, and conduct research studies in law-related education

Acquisition of resources. To become competent in acquiring resources, preservice teachers need to know how to:

- Identify and use a variety of community-based materials and resources, and particularly human resources;
- Use the available legal resources, especially law libraries and the law-related sections of public and private libraries
- Access and use the various technologies, including computers for storing, retrieving, and combining data on law-related education
- Identify and acquire the various resources made available through the law-related education community
- Advocate successfully for law-related education to significant individuals, groups, and communities.

Caveats

These inventories of information, attitudes, and skills are a first step in the difficult task of identifying the content of the knowledge base needed to train teachers to teach law-related education effectively. They came out of a climate in which questions of what constitutes quality training programs are common. With respect to law-related education, the answer is no more or less clear than for other types of education.

It is important to stress that these ideas are based on what is currently known about the teaching/learning process and about teacher/student dynamics, both of which are areas of continual development and research. That makes these ideas tentative— they reflect a way of thinking about law-related teacher education with the current givens.

Limitations of space and the current state of development of the various related fields of study are determinants of the degree of specificity in this description of a knowledge base.

Readers, then, should take this outline as an opportunity for reflection, discussion, and refinement.

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Citizenship Education in Elementary Schools: Preparing the Classroom Teacher

Arlene F. Gallagher

Introduction: Understanding and Teaching Citizenship

A major goal of citizenship, or law-related, education is to equip and encourage young people to become active participants in the governance of our society. To achieve this goal students need to be informed, to understand the major tenets underlying the governance of a constitutional democracy, and to take an active role in that governance. The classroom teacher is the key to enabling and encouraging students to become effective participating citizens.

In light of the fact that adults who are teachers are also members of a community, this article will address how to prepare elementary teachers for civic education from three perspectives: the teacher as an adult citizen, the adult citizen as a teacher, and the adult citizen as a teacher of children in elementary schools.

The Teacher As an Adult Citizen

Every teacher in the United States is a member of a community, of the nation, and of the world having rights, responsibilities, and obligations that exist by reason of citizenship. Institutions of higher education have a responsibility to their clients to prepare them to accept their obligations as citizens and to know their rights in a free society. These institutions have an even larger responsibility in the preparation of those citizens who plan to become teachers. These students need a deeper understanding of the meaning of citizenship because they will have the responsibility for teaching that meaning to future generations. Programs that prepare teachers of children in elementary schools have a unique burden because these teachers will have to consider a wider range of children's developmental levels than teachers who will work in junior or senior high schools.

Citizenship Defined

To examine the deeper meaning of citizenship, we start with some definitions. A *citizen* is a member of a community who is entitled to the rights and privileges of a free person and who owes allegiance. *Citi-*

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zenship is the quality of an individual's response to membership in a community—a response so vital, asserted James Madison, that a successful democracy depends more on the quality of its citizens than on the quality of its leaders.

Voting is the response we usually think of when we consider a citizen's obligations, but the quality of a vote can vary greatly. People have the freedom to base their votes on superficial things such as the color of a candidate's hair, skin, or eyes, or the toss of a coin. A voter can even write in "Mickey Mouse," as one did in the 1988 presidential election. Responsible voting calls for much more. It means making a decision based on values, on accurate information, and after consideration of other viewpoints. Yet quality citizenship goes beyond the simple act of voting. It is characterized by more active participation in the democratic process. That participation can include a broad range of activity such as discussions about issues, attending or watching televised debates, supporting a political candidate, working at voting places, distributing literature, attending community, town, or school committee meetings, running for office, visiting a courtroom to observe due process, writing letters to the editor, helping with a community project, and so on.

Quality citizenship behavior is also characterized by consistency. Whatever action we take as citizens, we need to strive for compatibility between our public and private values. Too many of us are inconsistent in how we act on our beliefs. If we act on one basis of beliefs toward immediate neighbors and use another basis for people at a distance, we are using two separate codes of behavior. Barbara Finkelstein (1985) stresses the importance of consistency when she accepts the definition of citizens as "persons who act publicly as moral agents."[1]

Community Participation: Beliefs As a Basis for Action

In addition to our responsibility for participating in the democratic process, we adults have obligations to others in the immediate community, to other citizens of the nation, and to people of the world. Myron Atkin, dean of the School of Education at Stanford University, refers to this as a responsibility for building a sense of community with local, national, and world perspectives (1985, pp. 141-42).

Relationships and common values are essential for building this sense of community. Indeed, it has been argued that these relationships with other people are more important than autonomy (Oliner and Oliner 1988).[2] Acting as citizens in a democratic society means exercising and cherishing the opportunity for free exchange of ideas and the recognition that intelligent civic decisions flow from that exchange. Sidney Hook states this unequivocally when he writes, "Not all the expert opinion in the world can take the place of the considered judgment of the ordinary people who justifiably claim that they have a right to change their political shoes in the light of their experience" (1985, p. 47). The opportunity for that experience is guaranteed by our rights to freedom of speech, press, and assembly.

Dewey claimed that "the heart and final guarantee of democracy is in the free gatherings of neighbors on the street corner to discuss back and forth what is read in uncensored news of the day [and] in gatherings of friends in living rooms of houses and apartments to converse freely with one another" (quoted in Murchland 1985, p. 33). It is through these discussions and exchanges that people create publics and engage in what is described as the highest level of intellectual activity.

The Adult Citizen As Teacher

If we expect teachers to teach participative citizenship, then they need to experience participation themselves. That participation can be simulated in the college classroom, or it can be field work required in conjunction with courses. Teachers need a knowledge base in law and government and the essentials of a constitutional democracy, but effective citizenship requires more than an informed teacher. A teacher's attitudes and beliefs will be reflected in action: what a person does—in this case the methods of teaching—usually has more impact than what a person says.

A Constitutional Democracy: Law As Process

Not only is it important for the teacher to be aware of the impact of the way citizenship is taught, but the very content itself needs to be seen as a process. The values that promote growth and maintenance of a constitutional democracy must be viewed in the context of law as a process (Murphy 1985, p. 84- 89). Law is stable over a period of time, reflecting the changing values of a society, but it also changes to maintain congruency with that society. Changes are responses to public input and direction which should be based upon careful judgment by people who have the freedom to make choices.

For a constitutional democracy to work, each citizen—or at least most of the citizenry—must believe that an individual can make a difference and that acting publicly he or she can affect the quality of community life. This belief will enable citizens to accept the obligation implied in the premise that a constitutional democracy depends on informed consent of the people governed. We need to take responsibility for gathering information and recognizing that others may interpret the same information differently. We need to respect different opinions, not try to eradicate them,

for majority rule is appropriate only when minority rights are respected. Dissent should be encouraged. In fact, controversy is healthy and inevitable in a society based on informed consent. Teachers should not discourage dissent in class, for there is considerable research showing that children learn better when they confront controversy (Torney-Purta 1985).[3]

Addressing Societal Tensions and Controversy

Majority rule and minority rights inevitably result in various tensions that do not need resolution but serve to maintain balance and give direction to citizens' decision making. There are four sets of tensions teachers should present to students for discussion and analysis as early as possible:

- the interests of the community balanced against the interests of the individual;
- obligations to the community balanced against rights of the individual members;
- order and safety of society balanced against personal liberty of all of the people; and
- political obligation balanced against moral imperative, raising the question of when a citizen should follow the dictates of his or her moral code if that code opposes the law or government.

To address these tensions, teachers need to know what makes an issue, subject, or content controversial. The teacher also needs to be committed to conflict resolution without physical force or violence. This means that the teacher must understand the processes of negotiation and mediation as well as the adversarial approach so that students do not view conflict resolution as essentially a third-party procedure.[4]

The Teacher's Sphere of Influence

Law-related or citizenship education needs teachers who understand the individual responsibilities of effective citizenship in a constitutional democracy. This acceptance does not mean blind allegiance, since one of the tenets to be accepted is the need for continued debate and consideration of a range of opinion and viewpoints on all governance-related issues.

It is in the sphere of influence that clear differences appear between the roles and responsibilities of the adult citizen, the adult citizen as a teacher, and the adult citizen as a teacher of young children. The adult citizen has opportunities to influence other members of the community and to act directly to move the community to meet the needs of the people. A teacher feels and responds to an additional tension that comes from different perceptions about the purpose of schooling. On the one hand, the school is expected to train, condition, and socialize students, and on the other it is expected to educate and liberate. The way in which the teacher perceives his or her role in meeting the school's purpose will influence the choice of instructional method. Furthermore, the teacher's sphere includes interacting with different groups of people who are not in the sphere of most adult citizens. These include students, their parents, professional colleagues in the immediate school environment, and members of the broader educational community.

The adult citizen uses his or her experience to understand issues and make political decisions. The classroom teacher does this, too, as an adult citizen, but the classroom teacher also creates experiences for students that can be very influential in how students see issues and make political decisions. We have known for some time now that the classroom teacher's relationship with students can have an enormous impact (Bohannan, Powers, and Shoepfle 1974).[5]

The Teacher's Expectations

The teacher should understand the influence of his or her expectations on students. While it is important to be realistic about what young children can handle abstractly, that does not mean that the teacher's expectations should be lowered. Raising expectations of what students can do usually results in their being able to do more.

On the other hand, teachers need to be humble about how much influence they have, especially when we realize that nearly all children spend more time watching television than they do in any other activity besides sleeping (NCSS Task Force 1989).[6]

Teachers have an obligation to help children understand that the media do not necessarily reflect reality. This is especially important in the field of law-related education with the plethora of programs about lawyers, courts, and trials. We all enjoy watching "People's Court" on television occasionally, but this program does give the audience the impression that if they have a problem they have two choices. The master of ceremonies admonishes the viewer with the following: If you have a problem, don't take the law into your own hands—take it to court. Teachers can counteract this by discouraging students from seeing the court as a means of first resort. Other methods of conflict resolution such as negotiation and mediation are much more practical and don't damage relationships the way a lawsuit can. This does not mean preventing disagreement, which can be healthy. Avoiding win/lose results and fostering competitive argument are not incompatible.

The Adult Citizen As Teacher of Perspective in the Elementary Classroom

While it is certainly important for all adults to be aware that each of us views the world through our own

lenses, this is a crucial realization for the teacher of young people. The teacher's lenses will affect the choice of instructional material, the method of instruction, and relationships with students. What is particularly important in citizenship education is that the method of instruction reveal whether the teacher believes that active involvement promotes learning and is an important means of teaching democratic participation. If students are not often actively engaged in discussion, simulation, research, role play, case analysis, and other opportunities for the "free exchange of ideas," they will infer that the teacher does not believe that student participation is important. "Often" means students should spend substantial time on participatory activities—more time is spent passively listening to lectures or doing worksheets.

Developmental Needs of Students

The elementary teacher not only has to engage students actively, but has to be able to do this in ways that suit the students' developmental level. Because the ability to handle abstract concepts is developmental, teachers need to understand abstract legal concepts well enough to be able to make them concrete for students. It is equally important for the teacher to understand the developmental limits to growth. Most of us do not run before we can walk. Younger children need more concrete examples and hands-on experiences. Third graders cannot be assigned to do independent research without a great deal of direction, and first graders will have trouble seeing a problem from multiple viewpoints.

The teacher needs to understand that the ability to take a point of view different from one's own is developmental. Very young children cannot do this. Until a child can see things from another point of view, that child will not be able to make decisions that consider two sides (Piaget 1965; Selman 1980; Gilligan 1982).

The teacher must have, and must be able to cultivate in students, a respect for minority and majority opinions and for the individuals who express those opinions regardless of their race, ethnic origin, religion, social class, or age. Respect for opposing viewpoints should not prevent the teacher from taking a stand on an issue despite its popularity. The teacher will need to judge when it is appropriate for students to take stands on issues and when to avoid encouraging dissent for the sake of dissent.

Teacher Power and Empowerment: The Child's World

Much has been written lately about the teacher's lack of power and the need to empower the teacher to determine appropriate instruction and choose materials to facilitate that instruction. What has perhaps been neglected is that, from children's vantage points, teachers have enormous power over them, and the younger the child, the greater the power. Teachers need to be aware of this particularly when dealing with concepts such as authority and justice. It is very difficult to have a mutually acceptable concept of justice between parties of unequal power where the rights of one individual depend on the consent of another. Paul Tillich claims that it is impossible for individuals to even develop a conception of justice in relationships between unequals (Tillich 1954).

Teachers need to recognize that they have great power over the children in their classrooms, and they need to rethink how that power should be used. As managers of people, as leaders of groups, teachers need to give some of their power to the group and abide by the decisions of the group. This can and is being done, even with children in kindergarten. Two primary grade teachers in Ohio reported on how they helped their students appreciate the purpose of rules and laws by having a day without rules in their classrooms. Children were enthusiastic about the day until they found some of their freedoms infringed upon. Their enthusiasm for "no rules, no consequences" waned as they realized respect for others and their property was no longer being enforced (Melancon and Peters 1988). It is interesting to note that this activity actually grew out of a discussion about ways that cultures are alike and different, specifically regarding death and burial rituals. These two teachers used an integrated curriculum in which there was a free flow between subject areas. Their method of instruction also emphasized problem solving along with adult guidance and social interaction. This is a good illustration of Mortimer Adler's point that teachers need more skill in asking, not telling, and that teachers should lead class discussions as an equal but also as a better learner because of experience (Adler 1983).

Teaching Methodology and Classroom Management Skills

A number of methodological skills and management techniques are important in all subject areas. Those methods that promote participation are particularly important in citizenship education to achieve the goal of building a sense of community and the importance of active participation in the governance of society. Several competencies in methods and management are important for elementary teachers.

First, the teacher should be able to (a) organize and manage groups, (b) conduct law-related participatory activities such as case studies, role plays, simulation games, mock trials, and field trips, and (c) make use of guest speakers and other resources. The teacher should know the purposes, power, and limitations of these strategies. Primary-grade students need clear specific instructions to work well in groups, and older students

need to be encouraged to work cooperatively as opposed to competitively. The teacher needs to recognize the value of cooperative learning as described by Johnson and Johnson (1988) and others.

Second, the teacher should be able to use inquiry questioning, creating higher-level questions that require synthesis and evaluation going beyond simple recall of information.

Third, in addressing controversial issues and societal tensions the teacher should be able to use and teach various modes of decision making and conflict resolution such as voting, consensus, and mediation.

Fourth, the teacher must recognize that not all students have the same learning style and must be able to accommodate differences in the classroom.

The Elementary School Setting and the Curriculum

In his research on the social studies curriculum, James Leming (1985) notes that a long-standing paradox of social studies education is that education for participation in a democratic system of government takes place in schools that are themselves authoritarian and undemocratic. A teacher may or may not have a supportive administrator, but it is certainly easier to conduct a "no rules" day in a school where the principal is supportive and not critical.

Modeling democratic behavior is of course easier to do in a democratic environment, but not all elementary schools are democratic. In fact, some of the school's responsibilities militate against democratic behavior. For example, the safety of large numbers of children requires limits on personal freedom. Furthermore, compulsory education means that students are required by law to attend school. And finally, most students do not choose either their schools or their teachers—a further limit on the free exercise of choice and responsibility for choices. In some schools the principal's style prevents self-governance by both teachers and students. Too often, however, the teacher with an authoritarian principal abdicates responsibility. Yet it is still possible for a teacher in such a school to use a democratic approach with students, especially if the classroom is self-contained. Democracy can be modeled in what seem to be minor instances but do impinge upon students' daily lives—a choice of seat, the selection of reading materials, decisions about classroom chores and upkeep.

Elementary Social Studies Curricula

The elementary school offers many a unique opportunities for interdisciplinary focus. Although social studies curricula differ from school district to school district and from state to state, there are general topics that are dealt with in many elementary schools (Jarolimek 1986). Regardless of whether the following sequence is used, the topics will be handled somewhere in most elementary schools:

Kindergarten	Awareness of Self in a Social Setting
Grade 1	School and Family Life
Grade 2	The Neighborhood
Grade 3	The Community
Grade 4	Varied Environments: The Region
Grade 5	The United States and Its Close Neighbors
Grade 6	People and Cultures: The Eastern Hemisphere

Citizenship and law-related education can be introduced in all of these topics. A study of the family, for example, might include a focus on rights and responsibilities. What rules govern the family? What is the purpose of those rules? How does the family make decisions together? How are disputes settled?

The fundamental themes of geography offer excellent vehicles for law-related activities: all events occur in time and place. What is appropriate or legal in one place may not be permitted in another, and the absence of a right is sometimes the most effective way to gain appreciation for that right. The study of another country, such as South Africa, where not all people have freedom of expression and where clear physical boundaries are legally enforced, enables students to realize the freedoms they enjoy are not worldwide. In this way, students gain perspective on the balance between individual rights and societal interests. Even in societies where individual rights are highly valued, they are limited; in the United States we have the right to freedom of speech under the Constitution, but we do not have the right to yell "fire" in a crowded theater.

Engaging Students in Thinking Together

Citizenship cannot be understood independently; a hermit is not a citizen. Citizens talk to each other, consider each other's needs and the needs of the community, and create together the plans for the community and the solutions for its problems. Teachers need to engage students in ways that foster a sense of community and the value of joint problem solving. The school can serve as a laboratory, a microsociety, in which students learn to participate directly. To do this teachers need to spend less time talking and giving information and more time asking higher-level questions that go beyond simple recall of factual information. Teachers need to talk less, listen more, and encourage student-to-student interaction.

The tradition of law in the United States is characterized by controversy; every case is a "versus." Citizenship education, especially, needs teachers who have

the courage to ask questions for which they do not have the answers. These are the interpretive questions that generate discussion in which students and teacher "think together." These discussions can lead to resolutions and ideas that none of the individuals participating could have come up with alone. If we want to encourage citizens' public sense of responsibility, teachers have to act on the belief that people can do things in common that could not be done alone—that, as Murchland points out, is the meaning of "public" (Murchland 1985).

Essential Attitudes, Knowledge, and Skills for Elementary Teachers

It has been recommended that legal scholars join with others in social sciences and humanities to define more explicitly those fundamental principles and values underlying our constitutional system which should form the common basis for the differing approaches to civic education (Friedman 1985). This would be a valuable contribution to the field, but in its absence educators can look to the general law-related knowledge base that exists in most curricula designed for elementary students.[7]

In spite of the age range of students the elementary teacher may instruct, there are attitudes and skills that all teachers of young children need, regardless of whether they actually teach any specific factual information.

In this article, attitudes, knowledge, and skills are presented separately, but the reader is reminded that there is considerable overlap and, moreover, that preparation of teachers in these three domains should be simultaneous. Attitude is presented first because while an attitude may be developed through knowledge or skill, knowing something or being skillful does not guarantee an effective teacher. Attitudes or beliefs are essential to commitment, and citizenship or law-related education is unlikely to be effective without commitment to some basic principles consistent with methods of teaching those principles.

Attitudes: The Affective Domain

Attitudes, or mental positions about facts or ideas, include feelings and emotions. An attitude reflects a tendency to act for or against something that is intrinsically valuable or desirable. Milton Rokeach defines values as enduring beliefs, or conceptions of something that is personally or socially preferable (1973, pp. 5-7).

The elementary teacher needs to develop four sets of attitudes that will promote civic values: (a) intellectual attitudes toward subject matter or information, (b) attitudes about the past, present, and future, (c) attitudes about infusing civic education into an integrated curriculum, and (d) attitudes that support positive human interaction.

Attitudes about information. The elementary teacher must maintain an open mind toward new information, be able to adapt a previously held position or opinion, and be willing to live with ambiguity and unanswered questions. To do this, the teacher needs to take a critical stance toward knowledge and encourage this stance in learners without breeding cynicism. A critical stance requires some knowledge to be critical toward—a solid liberal arts education can provide that essential broad base from which perspective develops.

Law-related education requires the teacher to be a risk taker. The teacher will be vulnerable because he or she will not be the authority on subject matter. One of the inherent characteristics of the law is that it is both stable and changing. In the United States, a new Supreme Court decision can dramatically alter the way future cases will be decided, which means that a teacher can never acquire finite knowledge about the law.

Attitudes about the past, present, and future. To understand a Supreme Court case, the teacher has to know something about the social context in which it occurred. To be able to discuss the potential consequences of a decision, the teacher must be able to look to the future. Therefore, the elementary teacher's perspective should be both historical and forward-looking, but it must also be grounded in the present so students can relate to it. This perspective should include a sense of chronology and the ability to see cause-and-effect relationships, and it should recognize the importance of predicting outcomes. This perspective will foster an interdisciplinary attitude that seeks ways to relate elementary content areas including reading, language arts, science, mathematics, social studies, art, music, and physical education. The field of reading and literature offer particularly useful ways to integrate law-related concepts such as justice, liberty, equality, responsibility, authority, privacy, property, diversity, and others. These concepts are often the themes of good literature (Starr 1979; Gallagher 1988; pp. 25-27).[8]

Attitudes about infusing civic education. The teacher should be disposed to find ways to infuse law-related education into the existing curriculum as opposed to using an ad hoc approach. Infusion requires thought, reflection, and depth. Law-related educators recognize that law permeates our lives and that almost everything we do is somehow affected by the legal system. This should not be construed by the classroom teacher to mean that any and all instruction, such as saluting the flag, is law related. The act of salutation itself does not qualify as law-related instruction, but lessons could easily be developed around that

activity. For example, an analysis of the concept of allegiance, rewriting the Pledge in simple language, creating pictures to illustrate the language, a reading of James Clavell's *The Children's Story*, a discussion of loyalty oaths, a study of the McCarthy hearings, a debate on freedom of religion or symbolic expression, or an analysis of the Fifth Amendment would be law-related activities on saluting the flag.

Attitudes about human interaction. In law-related education, the major goal and the method are the same—participation. A primary objective is to encourage a more active participating citizenry that can and will influence government and law. The means used to accomplish this goal is also participation. In law-related education, students are actively involved—whether in the classroom doing case studies, role plays, simulations, debates, senate hearings, or mock trials or on field trips going to court, police-ride-alongs, meeting with government agencies, or trying to get a stop sign posted near their school. To use an instructional style that emphasizes participation, the teacher must support and encourage human interaction. To be effective, the teacher needs to be empathetic toward the student's viewpoint, to put him or herself in the child's shoes.[9]

The teacher's ability to consider the child's point of view will instill trust and offer opportunities for students to engage in self-governance. This is the most honest way to teach a basic democratic principle: consent of the governed. Encouraging self-governance must be grounded in the teacher's belief in student's ability to govern themselves. Teaching self-governance strategies with an authoritarian approach will quickly be seen as hypocritical by students. This seems to be a statement of the obvious, but it means giving up some of the power and authority that traditionally belong to the classroom teacher. Because many of us have not had that experience in our own elementary education, it may take a conscious effort not to rely on personal experience and not teach the way we were taught.

Knowledge: The Cognitive Domain

Knowledge is factual information. It includes an understanding of principles and relationships among fields of knowledge.

The role of law in society. Law reflects society, but at the same time the law affects and changes it. The elementary teacher needs to know that law has purpose and function in all societies, both affecting it and affected by society. All groups try to make law internally consistent with their cultural beliefs, but cultures interpret concepts like justice, authority, and liberty in different ways. Since many students may either be first-generation immigrants or come from families whose heritage may have espoused different values, the teacher needs to realize that some approaches may clash with the student's subculture. We learned this the hard way in schools for Native Americans when teachers encouraged competition that clashed with the students' traditional belief that group success was more important than individual achievement.

In teaching citizenship education, it is important for the teacher to be aware of the effects of the legal system on young people and of how the law affects groups of people in different ways. This requires the teacher to be familiar with the cultural and social differences in the student population, for differences will be reflected in ways students receive instruction. To develop this understanding, it will help if the teacher recognizes that content is multilogical, that everyone brings one's own perspective to knowledge. This suggests that there can and should be legitimate criticism of the legal system, but not to the extent of breeding cynicism and negativism in students.

Knowledge of the basic law-related documents. The teacher needs a working knowledge of the constitution and its basic principles, such as separation of powers, and of the process by which they were established. The teacher should know that rights and responsibilities flow from the Constitution and that roles in the legal system are structured by the way they are because they are embedded in the Constitution. In addition, elementary teachers need to be familiar with the landmark historical documents in our heritage such as the Declaration of Independence and the Gettysburg Address.

Premises for law. A more difficult though not insurmountable task is dealing with what at first appear to be contradictions in some of the premises underlying our legal system. Some of these contradictions are:

- Law is not the same as justice, it is a means to justice.
- Law is both stable and changing.
- Law protects individual freedom and, at the same time, it takes away or limits freedom.
- Law is independent of man or woman, but laws are legislated, enforced, and adjudicated by people.

Voluntary compliance as a foundation. The teacher also needs to know and understand that our criminal justice system relies on the concept of voluntary compliance: most people obey the law voluntarily, for if they didn't law enforcement agencies and the court system would collapse under the burdens of enforcement and adjudication.

The adversary system. The American legal system is adversarial. Without understanding the significance of that aspect of governance, the court system does not

make sense. Teachers should also know the differences between criminal and civil cases and between constitutional law and case law. Although an in-depth understanding of different legal systems in the world is not essential at the elementary level, the teacher should be aware of other systems for purposes of comparison and contrast.

Citizenship education and community resources. In addition to having a historical perspective of the Constitution, knowing the premises underlying a constitutional democracy, and being aware of how cultural differences influence attitudes toward the legal system, the teacher needs to be familiar with resources in the community. Use of those resources should be an integral component of law-related education.

Resources include people, places, and things that support law-related education. The teacher should be familiar with the emphasis of different approaches to law-education, that is, the conceptual, historical, chronological, and community-based approaches. All these programs are participatory, using lessons that involve students in critical thinking, role playing, decision making, and so forth. The teacher should be able to identify ways to infuse a program or know how to use various aspects of these approaches in the ongoing school curriculum.

A number of individuals in law-related careers can offer support to the elementary classroom teacher. For example, judges, lawyers, congressional representatives, district attorneys, and police officers can be invited to the classroom or the class may go on a field trip to their places of work. Use of resources should go beyond the traditional field trip so that the resource becomes an integral part of the student's learning experience. Resources that present different viewpoints should be selected in order to offer multiple perspectives on government and the law.

Learning theory and law-related curricula. The elementary teacher needs to be knowledgeable about learning theory, particularly as it relates to law-related education. The research on developmental theory is especially relevant, since it is critical in enabling the teacher to understand the amount of abstraction that a child can handle at different ages.

Content and process. There is a continuing debate over the importance of content and process. Which is more important: what is taught, or how it is taught? Studies by Lee Ehman in 1980 concluded that the most positive contribution a teacher at any level could make to the acquisition of democratic values was to foster a classroom process which gave students the freedom to express their opinions. This was more important than any curriculum content.[10] At the elementary level, the balance between content and process is definitely in favor of the latter; children need to learn how to learn, how to study, how to generate worthwhile questions, and how to search for answers to those questions. This does not mean that content is irrelevant. Indeed, some topics are more appropriate for elementary students than others, and it is particularly important to select topics that relate to events in students' lives (NCSS Task Force 1989, pp. 14-23).

Yet while generally those topics close to the child's world will be more effective, the teacher should not avoid topics that are distant. The study of another very different culture, for example, can be used to help students to accept similarities and differences among people of the world.

Skills: The Behavioral Domain

Skills are ways to use knowledge effectively. They include critical and creative thinking skills, both of which have a developmental aspect.

Critical thinking skills. The teacher needs to be familiar with levels of intellectual skills. Bernard Murchland (1985) defines the highest level of intellectual activity as one that depends on interaction with others and involves the community. At the first level, we gather information about political issues. At the second, we make connections between these facts and other information and experiences. At the third level, we invent or imagine ways to improve or alter the governance of our community (pp. 34-35). Barbara Finkelstein warns us that we need to be concerned about a society in which "the very capacity to imagine, and thus create, just, free, and dignifying social conditions appears to be diminishing" (1985, p. 13). Colleges and universities tend to neglect this level, placing greater emphasis on facts and knowledge. Perhaps we tend to teach what we can evaluate: it is easy to test whether students have acquired accurate information but much more difficult to measure attitude and behavior change.

The fourth level of intellectual activity requires us to imagine and create cooperatively—at this level we "think together" with other members of the community to make plans and decisions. Adults who are expected to be able to do this need opportunities to practice that behavior in their professional and academic training. No one would want a surgeon to operate who had only read about operations in textbooks and had answered factual questions about operating but had never been in an operating room. Nor would any of us hire a lawyer to represent us in a court case if that lawyer had never set foot inside a courtroom. We need to start thinking about citizenship the same way we think about professional responsibilities.

Teachers need to be aware of the risk of promoting relativistic thinking and situational ethics when examining societal values that are reflected in the legal

system. This requires critical thinking skills such as sorting fact from opinion and making accurate inferences. These skills are often the same ones, albeit with a different label, that are taught in reading. The teacher should also be skillful in identifying and assessing issues in real and hypothetical cases. That skill includes the ability to evaluate information and determine its validity and applicability to a particular case or situation. The teacher should be able to identify cause/effect relationships, with an understanding of the relationship between an act and its consequences.

And finally, since the law reflects the values of a society, the teacher should be able to identify social values and individual values and the potential for congruence or conflict between them. This will enable the teacher to continually attend to the balancing of tensions between individual and societal interests.

Creative thinking skills. The teacher should be able to think both divergently and convergently and teach the usefulness of both modes. Teachers must practice these skills in their training, not merely read or listen to lectures about them. The teacher should be able to develop hands-on law-related classroom activities that are engaging and participatory. And again, the teacher-in-training needs opportunities to develop these activities and to try using them, preferably in field work assignments with children. This is the best way for teachers to learn how to motivate and inspire interest in law-related topics.

Academic Training of Teachers and the School Curriculum

The preparation of teachers should be consistent with how teachers are expected to teach. Less compartmentalization of subjects and more conversations between faculty members from different disciplines can lead to a more integrated academic program for teachers in training. Too often the School of Education faculty talk and meet only with each other as do the professors of history, of literature, of sociology, etc. There are a number of models of cooperation between liberal arts and education faculty (Trevers and Sacks 1989, pp. 470-74).[11]

In the best preparation, all educators would work for interdisciplinary approaches—in foundations courses, in history, in political science, and so forth. This broad foundation would enable teachers to realize that knowledge is not finite, that education is largely a process of finding out what we do not know. The teacher needs to recognize that growth is continuous and that opportunities to make connections between disciplines increase with experience. Elementary teachers need substantial background in the humanities, although a full major in a single discipline is not necessary and perhaps not even desirable. Course work in several disciplines such as history, literature, political science, and sociology would provide the breadth needed to show how citizenship cuts across subjects. An interdisciplinary major might be appropriate for the elementary teacher, but course work should include a historical perspective of the Constitution, the premises underlying a constitutional democracy, and an awareness of how cultural differences influence attitudes toward the legal system.

An integrated curriculum is especially important in the training of elementary teachers largely because of the arena in which these students will teach. Many elementary teachers function in self-contained classrooms where they are responsible for all or most subjects including reading, math, science, social studies, art, music, and physical education. This can be viewed positively or negatively, but for teachers in elementary schools it is an opportunity to infuse citizenship into several disciplines, especially in self-contained classrooms. This potential for infusing law-related education is consistent with what scholars and researchers concerned with civic education believe—namely, that citizenship education be the responsibility of the entire school, not taught as a separate course.

NOTES

1. Basing her remarks on the work of social critics who have rejected the central intellectual assumptions on which civic education has rested, such as the notion that a civic individual is conceived independently of social relationships, Finkelstein is quoting Richard Harvey Brown regarding moral agency ("Personal Identity and Political Economy: Languages of the Self in Civilization Perspective," unpublished article, Department of Sociology, University of Maryland).
2. Oliner and Oliner present a convincing argument that schools should prepare students to develop an extensive orientation to others, giving the message that caring is important to emphasize

especially in the context of a Western tradition that has emphasized autonomy and independence. Schools need to attend to this concern because it "is not born of the moment."

3. Torney-Purta cites research done with students that supports the notion that when engaged in discussing pros and cons rather than discouraged from doing so, those students achieved and retained more and had a more accurate understanding of different perspectives on an issue (p. 93).
4. Fisher and Ury (1981) present a humanistic approach to negotiating that encourages pursuing one's own interests but without resorting to tactics that manipulate or abuse those with conflicting interests.
5. Bohannon, Powers, and Shoepfle write specifically about the student/teacher relationship, emphasizing how important it is for educators to recognize how their behavior influences students' behavior.
6. The comprehensive report by the NCSS Task Force on Early Childhood/Elementary Social Studies, approved by the NCSS Board of Directors in June 1988, addresses the problems of students and concerns of educators while identifying clear goals for social studies education for the young learner.
7. For example, see the following resources for elementary programs:
   - Center for Civic Education/Law in a Free Society Project (5146 Douglas Fir Road, Calabasas, CA 91302)
   - Constitutional Rights Foundation (601 South Kingsley Drive, Los Angeles, CA 90005)
   - Law, Youth and Citizenship Program (New York State Education Department and the New York State Bar Association, 1 Elk Street, Albany, NY 12207)
   - Law and Citizenship Education Unit, 5183 Raymond, St. Louis, MO 63113
   - Citizenship/LRE Program for the Schools of Maryland, University of Maryland at Baltimore, 5401 Wilkins Ave., Baltimore, MD 21228
   - National Institute for Citizen Education in the Law (711 G Street, S.E., Washington, DC 20003)
8. Starr builds a strong case for using literature to humanize the rigidities of the law.
9. Although Bettelheim directs this book at parents, the message is appropriate for teachers as well. Bettelheim presents a rationale for the need to see the child's viewpoint and suggests techniques for doing so.
10. In Torney-Purta (1985, p. 94). For the original source see Ehman (1980).
11. Trevers and Sacks describe programs in the Consortium for Excellence in Teacher Education, a group of private liberal arts colleges and universities located in the Northeast. Some of these programs link liberal arts and professional course work instead of allowing the two to merely coexist. These programs emphasize two principles: development and *integration* (emphasis added). Institutions in the Consortium are: Barnard College, Brandeis University, Connecticut College, Dartmouth College, Middlebury College, Mount Holyoke College, Princeton University, Smith College, Swarthmore College, the University of Pennsylvania, Vassar College, Wellesley College, Wesleyan University, and Yale University.

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Though writing from different grade level cluster perspectives, Rose, Butler and Gallagher shared the challenging task of identifying what teachers need to know to teach LRE effectively. Each, directly or indirectly, suggested what the focus of LRE preservice teacher education should be. That task, Butler points out, is really a subset of a larger task currently confronting the professional education community—identifying the knowledge base for teaching. Thus, at the outset it is important to remind ourselves that the issues explored in this section need to be informed by and understood in this broader context of teacher education.

Content knowledge mastery—what teachers need to know about the subjects they teach—is one of the key issues in discussions about the professional knowledge base for teachers. Shulman (1987) described content knowledge as "the knowledge, understanding, skill, and disposition that are to be learned by school children." The Holmes Group emphasizes content knowledge mastery in its report *Tomorrow's Teachers* (1986): "Professionally certified teachers should teach only subjects they both know well and can teach well," and "No teachers ... should be allowed to teach subjects they have not studied deeply" (p. 15). What do these statements mean in the context of LRE? What type of content knowledge is needed to teach LRE effectively? What degree of mastery is required?

In addressing the latter two questions it is important to remind ourselves of the chilling effect that a requirement or expectation of content knowledge mastery for LRE may have on teachers. Initially, teachers, be they at the inservice or preservice stage, may be intimidated by content knowledge concerns, fearing they lack the level of mastery needed to feel comfortable with LRE or to teach it effectively. Rose implies that the situation may be further exacerbated with preservice teachers when he asserts that "the legal knowledge and experience of the typical preservice social studies teacher tends to be shallow." How, then, can the acquisition of LRE content knowledge be addressed successfully in preservice programs? How can the potential chilling effect be effectively counteracted?

Of the three authors, Butler provides the most detailed description of the content knowledge base deemed essential for teaching LRE effectively. For example, his subject matter list includes categories ranging from the relatively broad and undefined (e.g., "major sources of philosophical, legal, and ethical thought undergirding the legal system of the United States and its Judeo-Christian values") to the fairly narrow and specific (e.g., "precedent-setting Supreme Court decisions, such as *Gideon v. Wainwright, Brown v. Board of Education, Marbury v. Madison,* and *Plessy v. Ferguson,*" and "the court process and specific procedures, including indictments, hearings, trials, and appeals"). How adequate are his lists? Should they be reduced or expanded? Is greater or less specificity desirable? How useful is this "LRE literacy approach"? Does it help counteract the potential content mastery chilling effect, or does it contribute to its inhibiting effect?

Gallagher uses a more indirect approach regarding content knowledge for preservice elementary teachers. While discrete Butler-type lists are not included, Gallagher nevertheless identifies a number of elements she feels are part of a necessary content knowledge base. They include: "the premise underlying a constitutional democracy,"

"the essentials of a constitutional democracy," "individual responsibilities of effective citizenship," "a working knowledge of the Constitution and its basic principles ... and of the process by which they were established," familiarity with "landmark historical documents...such as the Declaration of Independence," "the differences between criminal and civil cases and between constitutional law and case law," "the processes of negotiation and mediation as well as the adversarial approach," and "other systems for purposes of comparison and contrast." How adequate are Gallagher's content base recommendations? Are they sufficient in scope and specificity? Are omissions apparent?

Gallagher attempts to reduce concerns about the level of content mastery required to teach LRE. Because law is both stable and changing, she reasons, a teacher can never acquire finite knowledge about the law. Thus, she assures readers that a teacher will not be the authority on subject matter and, by implication, that a teacher should not feel he or she should be. Gallagher also uses such language as "needs a working knowledge of," "be familiar with," and "be aware of" in relation to the content information she feels elementary preservice teachers need to possess. How suitable are these perspectives? What level of mastery should we expect? Should it be the same as for other content areas (e.g., mathematics or history) or a lower or higher level? How comforting or disquieting is Gallagher's message in relation to the potential chilling effect of LRE content knowledge?

Rose offers yet another perspective. Characterizing the U.S. legal system and its heritage as too complex to master, Rose calls for achieving general *acquaintance* with the U.S. legal system "at a macro level" and offers a framework for attaining that perspective. His framework lacks the specificity of Butler's "LRE literacy" lists, though it includes categories that encompass a great deal of information similar to those found in Butler's and Gallagher's articles. But Rose's framework has a somewhat different purpose. He does not expect preservice teachers to know all the information the framework encompasses. Instead, his framework "gives preservice teachers an idea of the type of knowledge they need and a perspective on the legal system in society to help conceptualize the substantive information that needs to be included in their lessons."

How acceptable is Rose's framework approach? To what extent is it desirable to make preservice teachers aware of specific information they will need to consider that relates to a topic, issue, situation, and so forth under study as opposed to expecting preservice teachers to *know* discrete bodies of information? To what extent is content knowledge independent of classroom context and to what extent is it situation specific? Does Rose's framework help lessen or does it increase the potential chilling effect of LRE content knowledge concerns? Responses to these questions have important consequences for the design and substance of preservice content preparation programs.

An issue left unresolved by the three authors is whether the LRE content knowledge base should differ for those planning to teach at different grade levels or in different subject areas. A careful reading of the three articles reveals a number of content knowledge commonalities. Should all preservice teachers be expected to possess a common core of LRE content knowledge regardless of the grade level or subject area certification they seek? If not, how would it differ?

In describing the knowledge base needed to teach LRE effectively, Butler, Gallagher, and Rose reject the assertion that simply knowing a great deal of content information automatically equips a person to teach that content effectively. They stress that there is much more that preservice teachers need to know to teach LRE effectively than the growing body of information about the nature and development of law and our legal system. As Gallagher writes, "No one would want a surgeon to operate who had only read about operations in textbooks and had answered factual questions about operating but had never been in an operating room."

These views are highly consistent with current thinking in teacher education. For example, as Shulman (1987) stated, teaching is "more than personal style, artful communication, knowing some subject matter, and applying the results of recent research on teaching effectiveness" (pp. 5-6). At a minimum, he asserted, the categories that underlie the knowledge base of teaching include: "content knowledge," "general pedagogical knowledge," "curriculum knowledge," "pedagogical content knowledge," teachers' "own special form of professional understanding," "knowledge of learners and their characteristics," "knowledge of educational contexts," and "knowledge of educational ends, purposes, and values, and their philosophical and historical grounds" (p. 8).

Just as the knowledge base of teaching is broad and deep, so too is its subset—the knowledge base for teaching LRE. Rose, Butler, and Gallagher stress that the cognitive dimension is an integral but insufficient part of preservice preparation. Affective and pedagogical dimensions must be included as well.

The affective dimension is worthy of focus. All three authors stress the importance of desirable attitudes and the need for preservice teachers to possess them. As Gallagher writes, "Attitudes or beliefs are essential to commitment, and...law-related education is unlikely to be effective without commitment to some basic principles consistent with methods of teaching

those principles." Thus one key question becomes, Which attitudes should be emphasized? Another question is, To what extent should attitude formation and change strategies be made an integral and explicit part of LRE teacher preparation programs?

Butler suggests that preservice teachers need to believe "that our present governmental system with its legal system, though imperfect, is potentially the best possible system." Gallagher argues that programs should not seek "blind allegiance, since one of the tenets to be accepted is the need for continued debate and consideration of a range of opinion and viewpoints on all governance-related issues." Rose states that "teachers should not be interested in creating naive flag-wavers or cynics down on the system." What they need to do "is to help foster respect for the law." Each of these statements illustrates potential for controversy in the affective dimension. Discussions about the importance of attitudes, the need to "shape" preservice teachers' attitudes, and potential attitude orientations are likely to make some educators nervous since they raise the specter of indoctrination. How, then, should the affective dimension be dealt with responsibly? What recommendations and guidelines are suggested by these three authors? How adequate are those suggestions?

Rose emphasizes that preservice teachers need to acquire knowledge of the social studies in general and LRE curricula in particular, recommendations for effective instruction in LRE, and the skills needed to make them a reality in the classroom. Specifically, he advocates that preservice preparation programs incorporate the following four elements, based on principal findings of the OJJDP-sponsored research assessing the effectiveness of LRE school-based programs: (1) integrating LRE substance and methods in undergraduate courses on a regular basis, (2) providing for the judicious selection and use of illustrative case materials in course instruction, (3) letting preservice students experience—and gain experience in using—LRE teaching strategies that foster true interaction and cooperative learning, and (4) integrating and preparing students to use outside resource persons in course instruction. The articles in the next section of this book discuss and illustrate ways in which these four elements can be made part of preservice preparation programs.

Rose concludes by suggesting that his task was similar to "a schoolchild struggling to answer an essay question that requires him\her to write a history of the world in 300 words or less." We are grateful to him and to Butler and Gallagher for accepting their challenging task. Now the challenge is ours. As we reflect on what they have written about what teachers need to know to teach LRE effectively, let's continue the dialogue. It merits an important place on our agenda.

—*D.N.*

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CURRICULUM COMPONENTS

OVERVIEW

The authors of the following articles identify opportunities for incorporating law-related education in each of the four major areas of the preservice education curriculum. These areas are: (a) general education and areas of concentration outside of schools of education, (b) foundations courses within schools of education, (c) methods courses—both generic and subject specific, and (d) field or clinical experiences.

Fischer argues that LRE can be incorporated in such single discipline-based foundation courses as "History of Education" or "Philosophy of Education," but that it is most effectively done in cross-disciplinary, policy oriented courses which are variously titled "Social Foundations of Education," "School and Society," "Schooling in American Culture," or "Diversity and Change in American Education."

Fischer details how he integrates law into his social foundations of education course which he notes is "guided by two overarching themes: (a) that our schools function in a highly diverse, pluralistic culture constantly undergoing significant changes, and (b) that ours is a democratic society that is attempting to live up to the high ideals expressed in its foundational documents, the Declaration of Independence and the Constitution." (page 115) These themes are fleshed out as Fischer and his students address cultural diversity and schooling, cultural change, the changing American family, equal educational opportunity, and teaching as a profession. Fischer notes, "The crucial aspect of [the course's] organization is the interactive relationship between legal and foundational materials as we assist students in developing a conceptual framework for understanding the place and role of schools in the American social order." (page 118)

Miles presents a strong case for making law an integral part of social science courses. He notes that practically every major social, economic, and political clash in our history has had strong legal underpinnings. He points out that by examining legal cases and participating in legal decision-making students learn how abstract principles apply in concrete situations thus bringing history and government to life. As they pursue this investigation, students come to understand that law both reflects and shapes the social system and legitimizes the allocation of social, economic, and political resources within the system. By using law at pivotal points throughout the course, the instructor bridges the gap between the classroom and the real world. Further, by participating in courses taught in this manner, prospective teachers learn the highly effective case study method which they can then apply in their own teaching.

Maxey Fernlund focuses on an aspect of preservice teacher preparation that may be overlooked as an avenue for incorporating LRE—the clinical experience. However, her analysis suggests the potential power of the clinical experience for enabling preservice teachers to not only enhance their capacities to use LRE strategies but to discover the

general utility of LRE strategies for classroom management and the development of basic skills.

She also discusses the benefits of identifying cooperating teachers from the ranks of those who are experienced in teaching and further reminds us that the field of LRE can help meet one of the real needs of colleges of education—identifying a cadre of good cooperating teachers. As the research indicates, good LRE is good instruction. The Holmes Group, as well as other educational reform groups, explicitly recognizes the importance of providing clinical experiences in classrooms where quality instruction is already in progress. Through the national LRE training program supported by the Office of Juvenile Justice and Delinquency Prevention, an ever-growing cadre of teachers have received LRE inservice modeled on the successful approach discussed earlier by Arbetman (page 9) and Hunter (page 49).

Acknowledging that we know very little about either the content of methods courses or the preparation or proclivities of those who teach them, Naylor turns to the methods texts to provide some clues regarding the instruction that prospective teachers receive in methods courses. In his chapter, Naylor reports on his analysis of 12 elementary methods texts. Among the items he looked at were the number of explicit references to law-related education, the number of citations for LRE reference materials, the topics and activities typically associated with LRE, and the opportunities that are there for incorporating LRE where it is not currently included. Naylor concludes, "LRE is engaged in a competitive struggle with other special emphasis areas for space and attention....Instructor preferences, coupled with textbook author orientations, significantly influence the role that LRE will play in a methods course." Naylor observes that any methods instructor must have an "LRE perspective" to recognize and get the most out of the opportunities for LRE inclusion that exist within textbooks (and, presumably within methods courses as well). He thus challenges LRE advocates to provide methods instructors with the orientation and support they need in order to bring LRE into the methods courses.

—C.A.

A Law-Related Approach to Foundations of Education

Louis Fischer

Introduction: What Are "Law-Related Foundations of Education"?

Just as there is significant disagreement over what the most appropriate content for law-related education (LRE) is, so is there a wide divergence of professional views on what the content of "Foundations" courses in preservice teacher education programs should be.[1] Even if we completely exclude "Psychological Foundations of Education" and courses that are in reality "Introduction to Education" parading under the title "Foundations" and thus narrow the range of disagreement, what have we left?

We still have courses more properly labeled "Philosophy of Education," "History of Education," "Sociology of Education," and other similar single-discipline-based courses that apply the methodology and content of a parent discipline from the liberal arts to the phenomenon of schooling. While it is quite possible to incorporate LRE in such single-discipline-based courses, it is more effectively done, I believe, in cross-disciplinary, policy-oriented courses properly labeled "Social Foundations of Education." These courses are also found under such titles as "School and Society," "Schooling in American Culture," or, as at my institution, "Diversity and Change in American Education." The important point is not the title of the course but that it is multidisciplinary, policy-oriented course that performs three major functions—(a) interpretive, (b) critical, and (c) normative—concerning the multiple relationships of education *and* schools and their supporting culture.[2]

The comments that follow assume this latter category of courses—multidisciplinary and policy oriented—as the frame of reference. Clearly, a course in the Social Foundations of Education can be organized in a variety of ways. The course I teach is guided by two overarching themes: (a) that our schools function in a highly diverse, pluralistic culture constantly undergoing significant changes and (b) that ours is a democratic society that is attempting to live up to the high ideals expressed in its foundational documents, the Declaration of Independence and the Constitution. Beyond these themes there are various subtopics that flesh out the course.

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Topical Outline of a Course on the Social Foundations of Education[3]

Cultural Diversity and Schooling

Under "Cultural Diversity and Schooling," we explore the concepts of culture, subculture, cultural change, enculturation, and acculturation as these concepts relate to education and schooling. The *Yoder* case (*Wisconsin v. Yoder* 1972) is useful to plunge students into this topic as well as into questions related to compulsory schooling, the interests of the states, parents, churches, and children in the education of the young. *Yoder* leads us to various questions of legal and educational policy as well as to other cases and school policies and practices,[4] including the complex area of religion and public education.

For example, with the use of *Yoder* we raise questions about the relationships of schooling to its supporting social order. We examine the difference between schooling and education. We ask how people who claim to value freedom can compel all children to be educated. And if they do, we ask on what basis Amish children can opt out of schooling after the eighth grade when others must continue.

To understand the resolution of the conflict between the Amish objection to high school attendance and the compulsory education laws, as enforced by local school authorities, we explore the overall legal framework of schooling in the United States of America. The relationships among local, state, and federal authorities with respect to education stand in bold contrast to other countries with highly centralized authority over schooling. Furthermore, the fact that *states*, and not local communities, have the primary legal responsibility for schooling can be illustrated by the example of Hawaii, which has but one school system in the entire state. All other states delegate authority and responsibility, in various degrees, to local communities. Each instructor can decide how far to explore these relationships and historical patterns of school decentralization and centralization as well as arguments for and against these different arrangements.

Thus, on the one hand, we use *Yoder* to begin an exploration of the legal systems of the United States, particularly was they relate to the legal environment in which schooling occurs. On the other hand, to place Yoder into perspective, one must understand the culture concept, cultural pluralism, and the relationships of cultures to the dominant culture (Kluckhohn 1949; Spindler 1959, 1987; Besaq and Nelson 1984; Appleton 1983). Therefore, from the very beginning we see the twin themes of cultural diversity and democracy emerging as they relate to conflicts surrounding schooling.

I actually begin my class posing a hypothetical but more extreme *Yoder*-like situation. In this hypothetical, a community is discovered in the hills of western Massachusetts, near Conway, where approximately three hundred "Conwayites" live in splendid isolation. Their substantially self-contained community is led by a guru who receives continuous revelations that guide his decisions, followed lovingly and without question by all "Conwayites." Their agriculture-based economy is adequate to their needs, they ask for no state assistance of any kind, and they have no schools. One of their revealed principles rejects schools as evil and reading or writing as particularly dangerous and sinful because they expose one to dangerous, strange, and tempting ways forbidden by religious beliefs. Conflict arises when the county superintendent of schools is informed of the existence of their community with its nearly 60 school-age children who are not attending school of any type. The state law requires schooling, but genuinely held religious beliefs forbid it.

Students discuss the hypothetical in small groups, attempting to resolve the conflicts inherent in the situation. Their task is to identify all issues, clarify agreements and disagreements, and come up with recommendations for the superintendent. In most instances, disagreements abound in these discussion groups, and it becomes clear very quickly that even in the relatively homogeneous teacher education population there are wide-ranging disagreements over philosophic positions, value assertions, conceptions of freedom and authority, compulsory education, respect for religious diversity, and various other issues related to schooling and its supporting culture.

After we read selections from the *Yoder* case I help students distinguish our case from that of the Amish, and we explore the reasons why courts would not use *Yoder* as a precedent for our hypothetical. Along the way, students come to understand how our culture justifies compulsory education and its history, and how important social developments and philosophic disagreements are likely to be reflected in our public schools. We examine the time-honored notion of "schools as mirrors of society" and lay a strong foundation for the exploration of schooling in a diverse culture that is attempting to live up to the high ideals of a democracy.

Cultural Change

Economic and social change. A variety of exciting cases are useful and appeal to student interests as we develop an understanding of the great transformations in America from a rural agricultural to an urban industrial and postindustrial society. Such changes challenged long-held beliefs, values, and patterns of living and schooling and caused much cultural lag.

Tinker v. Des Moines Independent School District (1969) is an excellent basis for looking at changing

authority patterns, and so are various other cases related to student expression, including *Fraser (Bethel School District No. 403 v. Fraser* 1986) and *Hazelwood (Hazelwood School District v. Kuhlmeier* 1988). For obvious reasons, our students are quite interested in the "dirty words" cases (*Keefe v. Geanakos* 1969 and *Mailloux v. Kiley* 1971) as they relate to teachers' freedom of expression and the way the First and Fourteenth Amendments might relate to the use of controversial materials in the classroom.

Changing moral values. Changing cultural attitudes related to the personal lives of teachers and court rulings reflecting such changes constitute an area of intense interest to would-be teachers. *Morrison v. State Board of Education* (1969) and other cases related to homosexual teachers are useful here, as well as cases concerning pregnant unmarried teachers, the use of illegal substances, drinking, driving under the influence, and similar deviations from historic expectations of teachers.[5]

We examine the time-honored notion of teachers as "role models" (Beale 1936; Elsbree 1939) in light of changing cultural values and the differences between urban, suburban, and rural life as well as the relatively recent recognition that teachers do not give up their constitutional rights for the "privilege" of teaching.

Right to privacy. The emerging right to privacy, as it relates to changing culture values, can be effectively explored with the use of *T.L.O.* (*New Jersey v. T.L.O.* 1985) and other search and seizure cases, drug testing of athletes, school bus drivers, or teachers. Cases involving homosexuals and the courts' reactions to their claims of privacy rights are also useful here.

The entire section on cultural changes in America can be made to come alive through interesting readings in social history, using popular literature, films, children's books, or even careful selections from the history of schooling. Students are fascinated to learn about the practice of "boarding around" wherein a teacher was paid in part by receiving room and board for a week at a time, *seriatim*, in the homes of the children. This practice had profound implications in the lives of teachers and helped form cultural notions of the teacher as "role model." Values derived from this era are still not completely forgotten. In fact, a significant residue remains particularly in rural and small-town America.

The Changing American Family

Dramatic changes in the family structure and functions during the past hundred years led to significant new demands on schools. These changes together with post-World War II "rights revolutions" eroded the *in loco parentis* doctrine and complicated discipline procedures in schools. We analyze these changes not only with the use of historical and sociological literature,[6] but also with interesting court cases, such as *Goss v. Lopez* (1975) and others, which help students understand principles related to due process. Analysis of *Ingraham v. Wright* (1977) and related cases helps us to explore the diversity in disciplinary procedures used by schools and conflicts surrounding such diverse convictions, and it opens up the entire area of justice for the young (*In re Gault* 1967).

The emergence of nontraditional family patterns is another topic to be understood partly from sociological materials and partly from legal complexities generated by such relationships. A plethora of current material is available to explore changes in family structure and functions as they relate to schooling. Such changes placed new demands on the curriculum, on guidance services in schools, on disciplinary practices, on home-school cooperation, and even on school food services.

An understanding of the divorce and remarriage rate provides some insights for educators, together with information about the percentage of mothers in the workforce and about the economic plight and social problems of single mothers.

Equal Educational Opportunity

One expression of our democratic ideals is the goal of equal educational opportunity. There is no shortage of material exploring our historic struggle toward this complex and laudable ideal, both praising our achievements and decrying our failures. Such criticism comes from both traditional and revisionist historians (Butts 1953; Tyack 1967; Karier, Violas, and Spring 1973; and Spring 1986), number-crunching social scientists (Jencks 1973; Rist 1970; and Coleman, Campbell, et al. 1966), and philosophers, particularly the Neo-Marxists (Apple 1982).

Our concern for equal educational opportunity is usually broken down into subcategories of discrimination based on race, gender, social class, limited English ability, and exceptionality (handicapping condition). There are important cases as well as legislation related to each of these categories. We can note, as examples, *Brown*, *Swann*, and *Keyes*[7] for race; *LaFleur*, *Reed*, and *Grove City*[8] for gender; *Serrano* and *Rodriguez*[9] for social class; *Lau* and *Serna v. Portales*[10] for language; and the *Rowley* and *P.A.R.C.* cases and the Education for All Handicapped Act of 1975[11] for exceptionality, along with other important cases and federal laws. (We haven't even mentioned the importance of state constitutions and laws up to this point. There, too, one can find a body of rich resources relevant to our purposes.)

This equal educational opportunity area is so complex and so many relevant materials are available that

an entire course could be built around it. The legal aspects of race discrimination are very important to know about but nowhere near sufficient. We must study materials from history, the social sciences, literature, and the arts as well as examine current struggles to eliminate racism to gain a beginning understanding of this complex area. Direct experiences on campus and in nearby communities are available to our students who can observe in schools and neighborhoods, interview people, and compare their direct experiences with what is reported in scholarly books and journals. Our students also read widely in the literature related to ethnicity, and they learn about the historic and current struggles of blacks, Hispanics, Native Americans, and Asian-Americans to gain equal opportunities in general and equal educational opportunities in particular.

We explore the complex relationships of race, ethnicity, and social class, and how these relate to community power structure, particularly as this has an impact on school policy. The relationship of subcultures and social class to values is also explored, with particular focus on how it is likely to influence access to and success in schooling. Controversies related to standardized testing as well as grouping children for instruction are considered.

The inequitable financing of schools also falls under this general heading, as do the education of students with limited English language ability and recent efforts to provide "free and appropriate" schooling for the handicapped.

Teaching As a Profession

The occupational status of teaching is of great interest to future teachers as well as to theoreticians (Lieberman 1956). Once again, there are rich resources in the historical and sociological literature, but it is easier to launch beginning students in teacher education into these materials through contemporary conflicts related to unionization, collective bargaining and strikes by public employees (Fischer, Schimmel, and Kelly 1987, chap. 3). There are cases related to teachers' rights to organize, and every September thousands of teachers seem to be engaged in illegal strikes. Our students are puzzled by all this and are trying to understand how they will swim in such confused professional waters.

Closely related to these cases are issues of teachers' freedom of association, including membership in such controversial organizations as the Communist or Nazi parties, the Ku Klux Klan, the Black Panthers, and others (Fischer, Schimmel, and Kelly 1987, ch. 9). (Some students are amazed to learn that even Communists have constitutional rights!)

To understand the status of teaching as an occupation, its prestige, comparative economic position, and professional maturity, we look at historical, sociological, and economic analysis of the field. I still find Myron Lieberman's pioneering work, *Education as a Profession* (1956) quite useful both as historical information and as a way of looking at what changes have occurred during the past 35 years. Recent proposals for restructuring teacher education, our version of professional "perestroika" launched by *A Nation at Risk* (National Commission on Excellence in Education 1983), have led to many proposals for changing teachers' salaries and preparation and for promoting autonomy on the job. All this is grist for the mill. We can also look at the complexity introduced by the fact of local control, since this makes it possible for more than 15,000 school districts to create policies that influence teaching as a career. Recent questioning of the principle of tenure is also relevant here, and students are always surprised to learn that the most basic, and original, reason for tenure was for the benefit of society—that is, the protection of academic freedom from narrow-minded, arbitrary political decisions.

Overall Methodology

The foregoing is suggestive only and not exhaustive of either the content or the cases to be used in a Social Foundations course.

Role of Materials in Developing a Conceptual Framework

The crucial aspect of the organization is the interactive relationship between legal and foundational materials as we assist students in developing a conceptual framework for understanding the place and role of schools in the American social order. We use high-interest, educationally relevant cases to motivate students and to help them understand the substance and method of the law in the authoritative resolution of rights in conflict. Since such cases are generated by conflicting cultural currents, students need to understand our dominant culture and its various subcultures and our attempt to forge a democratic society that values such diversity. Thus, the more they know about America's cultures, the better they understand its complexity and conflicts related to schooling—and the more they know about our legal institutions and processes, the better they will understand these authoritative mechanisms along with others for peaceful resolution of social conflict and the better they will appreciate the glue that holds us together as a nation.

Types of Materials and Resources

Our classes make liberal use of hypothetical materials, constructed from real situations, which students react to, discuss, and analyze before reading excerpts from actual cases. To avoid the complexity and technical

language of the cases, we excerpt them, "translating" the "legalese" into plain English. Small-group work and role playing are often used along with newspaper clippings exemplifying the timeliness of the issues. Students also work on individual or small-group projects on specific aspects of the course; this gives them experience in exploring a topic in depth as well as helping them become better acquainted with relevant library resources.

There are always resource speakers in the area, with topics relevant to the topics studied, as well as more media materials than we can use. Such materials can be relatively recent commercial films, such as *Witness*, based on the Amish subculture, or *Gideon's Trumpet*, by now a classic, around which a variety of important sociocultural and legal concepts can be developed.

Place of Law-Related Materials

Care must be taken that the high-interest legal materials do not capture and take over the course. We strive for an appropriate balance of legal and nonlegal materials, with the more substantial portion of the course focusing on the latter. We are certainly not attempting to create "instant lawyers" or even implying that law is the only or most important way to solve educational problems. It is true, however, that our most controversial educational problems sooner or later find their way into the courts or into legislative chambers. Future teachers should understand these important institutions as they function in our culture, along with other machinery for policy formation and conflict resolution. Years of experience do show that students (and teachers as well) become very interested in all these materials when we launch them into the topics through highly controversial and currently relevant cases.

Law-related materials are increasingly appearing in books used in Social Foundations courses. At our professional meetings, the programs contain a sprinkling of presentations that make use of legal materials, and professors who lack legal training are no longer as intimidated by the mysteries of law as they were in years past. With some help, some good texts, and supplementary materials, the Social Foundations courses hold promise for the integration of LRE materials into teacher preparation programs.

NOTES

1. The Council of Learned Societies in Education, an umbrella organization of the various Foundations associations, offers the following definition:

> The Foundations of Education refers to a broadly conceived field of study that derives its character and fundamental theories from a number of academic disciplines, combinations of disciplines, and area studies; history, philosophy, sociology, anthropology, religion, political science, economics, psychology, comparative and international education, educational studies, and educational policy studies (1986, p.3).

2. The Council of Learned Societies defines these functions (1986, pp. 4-5):

> The *interpretive* perspectives, using theories and resources developed within the humanities and the social and behavioral sciences, assist students in examining and explaining education within differing contexts.
>
> The *normative* perspectives assist students in examining and explaining education in light of value orientations.
>
> The *critical* perspectives assist students in examining and explaining education in light of its origins, major influences and consequences.

3. A variation of the ideas in this section was first presented at the annual convention of the National Organization on Legal Problems of Education (NOLPE), Nov. 13-15, 1974, Miami Beach, Florida. See Fischer and Schimmel (1975).
4. See, for example, *West Virginia v. Barnette* (1943); *Abington School District v. Schempp* (1963); *Lemon v. Kurtzman* (1971); *Pierce v. Society of Sisters* (1925); and *Mozert v. Hawkins County Board of Education* (1987).
5. For relevant cases, see Fischer, Schimmel, and Kelly (1987), ch. 9.
6. Aries (1962); Berger and Berger (1983); Bronfenbrenner (1970); and Coleman (1961).

7. *Brown v. Board of Education* (1954); *Swann v. Charlotte-Mecklenburg Board of Education* (1971); *Keyes v. School District No. 1 Denver, Colo.* (1974).
8. *Cleveland Board of Education v. LaFleur* (1974); *Reed v. Reed* (1971); *Grove City College v. Bell* (1984).
9. *Serrano v. Priest* (1971); *San Antonio Independent School District v. Rodriguez* (1973).
10. *Lau v. Nichols* (1974); *Serna v. Portales Municipal Schools* (1974).
11. *Board of Education v. Rowley* (1982); *Pennsylvania Association for Retarded Children v. Commonwealth of Pennsylvania* (1972); Education for All Handicapped Children Act of 1975, Public Law No. 94-142 (1975).

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Law and the Preservice Curriculum: A Proposed Curricular Model

E. Walter Miles

Introduction: Strengthening the Preservice Component in LRE

The past two decades have seen a tremendous growth in the teaching of law outside American law schools. The first wave of rapid expansion started in the undergraduate social studies curriculum and spread quickly to other undergraduate disciplines, as the value of the learning experience as well as the popularity of these courses with college students became apparent.

High school faculty members teaching history and social studies courses also discovered law-related educational (LRE) materials and found such materials to be extremely relevant to their subjects. Both primary and secondary school teachers alike soon came to recognize that LRE materials could be quite useful in helping their young pupils develop the facility to analyze and to think critically about personal and societal problems. Indeed, the popularity of law in our schools is reflected in the growing availability of a wide variety of LRE classroom materials.

As we move toward the twenty-first century, however, LRE's capacity to have the desired impact in our schools is diminished by the paucity of law courses and law-oriented learning experiences offered in the preservice teacher preparation curriculum—that is, courses that are specifically designed to acquaint future primary and secondary teachers with both the substance and the methods of law. Teaching law in the preservice curriculum is the focus of my article. To address such a critical element of the LRE effort, I will discuss the value and usefulness of LRE in the preservice curriculum, describe a classroom-tested LRE preservice law course and report on my experience with it, suggest a common component for preservice LRE courses, and offer a few conclusions and recommendations concerning LRE and the preservice curriculum.

Value of LRE in the Preservice Curriculum

Teaching law-related education in the preservice history and social studies curriculum is tantamount to teaching each subject in its finest form. Practically every major social, economic, and political clash in our history is represented in the law books. Moreover, the reported cases, with their majority, concurring, and dissenting opinions, reveal

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to the history and social studies student the clash of views on important controversies in the nation's development. LRE will also underscore the relationship between legal change and social change in our political system. To be sure, most of the major social changes (e.g., racial segregation) and economic changes (e.g., the New Deal) in our political system—for good or evil—have had strong legal underpinnings.

Law studies in the preservice curriculum also contribute to the study of legal decision making and legal reasoning, which provides an excellent lesson on the interaction of means and ends. It teaches how the process for reaching a decision has an impact on the decision itself. Knowledge of this interaction is very important to students who are trying to find out how general principles, let us say of the Bill of Rights, have been translated into concrete examples of justice and fairness.

A closely related rationale for studying law in the preservice curriculum is that it would introduce future teachers to new methods of analysis and problem solving. In addition to studying cases and materials that show how lawyers and judges reason and resolve issues, the case method approach utilized in law study could equip the future teachers with a useful framework for teaching how to analyze and resolve nonlegal matters as well. Comparing legal modes of thought with other kinds of thinking (e.g., scientific, historical, and ethical) could also help the teachers of tomorrow become more keenly aware of their own special fields of interest or disciplines.

A further *raison d'etre* for the study of law in the preservice social studies and history curriculum for teacher education is that it would address the charge of irrelevance in our teaching. History and social studies taught in the context of concrete case examples from everyday life will surely command the students' attention and thereby enhance the learning process. Law study is also an excellent vehicle for expanding learning beyond the classroom walls. Experiential education can be tied in directly with the students' campus education. Law study in the preservice curriculum is suited admirably for giving future teachers training in how to exploit the broad and diverse field of experiential education. Examples of appropriate field experience would include court watching, governmental internships, civil rights work, case aids in dealing with consumer law problems, and collecting data about community problems and issues.

The final rationale offered here for law study in the preservice curriculum is that a subject as broad and as rich in detail as law is vital to any well-rounded liberal arts component of teacher education. In most undergraduate law courses some attention is devoted to forces that influence the making of law, and since law is the product of historical, sociological, political, economic, and moral forces, a good law course or two would certainly enhance the future teacher's understanding of mankind and our world. At a very minimum, the future teacher would gain a sharper perception of the role and function of law in the allocation of resources and values in a social system.

An Experimental Course

The experimental LRE course that we will examine, called "Law and the Political System," was taught by a political scientist in a department of political science. Both the title and course objectives were influenced by some departmental constraints as well as by the intended teacher education focus of the course. The general purpose of this course was to show the relationship between the law and change in the American political system. The specific objectives will help to clarify the actual LRE focus of the course. They were:

1. to provide students with a basic understanding of the American legal system and the judicial process;
2. to familiarize students with the case method approach to legal analysis and problem solving;
3. to illustrate the relationship between legal change and social change by studying selected topics or themes;
4. to sharpen students' concept of justice and fairness within the context of concrete cases; and
5. to help students develop high-quality LRE teaching material capable of being incorporated into the primary or secondary school curriculum.

Course Format

The experimental LRE course was designed to be both intellectually coherent and open to the free interchange of ideas and opinions. A few lectures and a number of reading assignments were scheduled for the first few weeks of the course. In the lectures, I analyzed assigned cases and focused on other material not contained in the required reading. Classroom discussions dealt with assigned readings, and through oral questioning, I tried to examine and to improve each student's ability to think critically and in a logical fashion.

The purpose of the first course component was to acquaint students with the nature of law, the structure of judicial activities, and forces influencing the making of law, especially as it is made through the process of adjudication. A fairly detailed discussion of Lon Fuller's "The Case of the Speluncean Explorers" (*Harvard Law Review* 1949) got the class started in the right direction

by focusing students' attention on the kinds of questions they would be dealing with, their meaning, and their interrelationship. What is law? What is justice? And what is the connection, if any, between the two? What is the function of law? What is the role of judges? And so forth.

In subsequent class meetings we discussed the adversary system as a condition for the development of law through adjudication and the concept of precedent, placing considerable emphasis on how *stare decisis* functions as an instrument of stability in American law. The landmark cases of *Marbury v. Madison* and *McCulloch v. Maryland* were assigned and used in class, *inter alia*, to explore different theories of judicial interpretation, to practice the mechanics of case analysis, and to show the importance of judicial interpretation and judicial power in American constitutional development. Students were also shown how the reasoning utilized by the Court in deciding these two historically important cases could be applied in present-day situations.

In addition to classroom activities and materials already described, this course component also included required readings on courts, judges, and the American legal system. A number of good and readable paperbacks were available for this purpose but Howard Ball's *Courts and Politics* (1987), Lawrence Baum's *American Courts* (1986), and Anthony Lewis's *Gideon's Trumpet* (1964) were used in this course. In any law course, students must have some knowledge of the legal terrain.

Part I and examination. Part I of this experimental preservice law course ended with an examination that consisted of 50 multiple choice questions based on the assigned text, three essay questions based on the classroom material and discussions, and two long take-home essay questions (of which students were required to answer one). Perhaps the two long essay questions will help to clarify for the reader some of what we were trying to accomplish in the course's first component. They were:

> A. Drawing on the assigned reading materials and classroom discussions, write a substantial and well-organized essay analyzing and discussing the following quotation:
>
> "A government of laws and not of men may be a comforting idea but not a very realistic one. Of course, non-legal factors influence the staffing of the Court, and extra-legal influences seem to play a role in the judges' behavior. Moreover, it can be asserted that judges oftentimes make policy decisions in deciding legal cases. But they do so in a legal setting which forces responsibility upon them."
>
> B. Some critics have argued that the U.S. Supreme Court, in a case such as *Brown v. Board of Education*, exceeded its proper role because it required states to rewrite their legislation on segregation in public school education, extensively revising social relationships. In effect, their argument is that the Court is not the proper governmental agency to trigger such far-reaching changes. Taking the *Brown* case (and argument above into account) along with the assigned cases of *Marbury v. Madison* and *McCulloch v. Maryland* ("we must never forget that this is a *constitution* we are expounding") give your concept of the proper role of the Supreme Court.

Part II: Theme panels. Part II of this experimental LRE course consumed the bulk of the semester. This component focused on several legal problems or themes, such as prayer in public schools, privacy and a right to abortion, the exclusionary rule and the Fourth Amendment, the legality of surrogate motherhood contracts, the role of the police in order maintenance, and drug testing and the Fourth Amendment. Each theme was presented in the course syllabus with a separate list of readings, assignments, sample questions, etc. Limited reading for the entire class on each theme was provided in Katsh, *Taking Sides: Clashing Views on Controversial Legal Issues* (1989), and Ratcliffe, Gordon, and Miles, *Vital Issues of the Constitution* (1989) was used as a resource for discussing the court cases examined. Each student was assigned to a theme panel based on his or her special interest. More themes were included on the syllabus than it was possible to cover in one term, with the idea in mind that it would be much easier to drop a theme than to develop a new one on short notice.

Advantages of the Theme-Panel Approach: How It Worked

The theme-panel approach afforded us a flexible as well as an effective way of teaching law in the preservice curriculum. Each student was able to select a topic in which he or she had considerable interest.

While one cannot cover the law field in one course, and should not try, the theme-panel approach permits sufficient immersion in a selected theme by each student to make it possible to teach techniques of legal analysis and to utilize the Socratic teaching method. Indeed, I found the theme-panel approach well suited for meaningful classroom discussions and inquiry.

Learning to Use LRE Resources

Since each student working with a theme panel had to do some mini-research using legal resources, this part of the course commenced at the main library with a seminar on how to find and use law-related resources and materials, which included some supervised practice. This seminar was scheduled, in part, out of recognition that undergraduates rarely have the

knowledge and skills needed to conduct even the most basic type of legal research. The seminar was conducted by the librarian in charge of legal documents, who also provided the class with a pamphlet entitled, "A Study Guide for Use with Law Books." The carefully structured use of this resource person proved to be very valuable in helping students use LRE library materials efficiently and effectively. I suspect, also, that this seminar removed a hidden barrier to future teachers' use of LRE resources.

Preparation in the Theme Area

Following the library seminar, formal class sessions were suspended for four weeks to permit panel members to continue work on their respective themes. As indicated above, I place considerable value on the preparation of LRE content; this preparation formed the principal basis for classroom discussion and inquiry. Careful preparation in the theme area was considered a crucial part of carrying out the classroom goals of LRE. During the four-week hiatus from the classroom, a weekly meeting with each panel was scheduled to answer questions and to monitor the panel's progress.

Classroom Presentations

The next step was classroom presentations by the theme panels. Each panel had one week to make its presentation to the entire class. The basic format for presentation was as follows:

1. An entire class period was devoted to the presentation of background information about the topic and a discussion among panel members.
2. Then a Socratic discussion ensued between the professor and the theme panel members.
3. In a final period, the entire class discussed the theme and raised questions about it with panel members.

In the Socratic discussions, panel members considered themselves well prepared to discuss their topic and were quite tolerant of a fairly rigorous intellectual exercise. In fact, the energy, expertise, and enthusiasm demonstrated by future classroom teachers serving on these theme panels were most encouraging and suggested a promising future for law courses in the preservice curriculum.

Development of Teaching Materials

A culminating activity for the panels was the development of sets of teaching materials appropriate for use in primary or secondary classrooms. Each set had to include the following: a theme overview, learning objectives, an outline for one lecture/discussion, five discussion questions, sources for further inquiry on the theme, and a test bank consisting of 20 multiple-choice questions and four short essay questions. I helped each theme panel develop these materials, using a guide that had been provided by a social studies methods teacher.

Evaluation of Panels and Panel Members

The evaluation of each panel and the contributions of individual panel members was not an easy task but a necessary one. Panel work accounted for 50 percent of each student's grade; the other 50 percent came from test scores from two examinations. Of immeasurable value in assessing each student's panel contribution was an instrument containing common criteria I had developed. Grades were assigned to each panel as well as each panel member.

Second Examination

A second examination followed the panel presentations. It was designed, in large part, to encourage each student in the class to gain special expertise with an additional theme. In preparation for this examination, panels exchanged materials and formed study groups composed of members of different panels. The examination contained straight essay questions and two hypothetical case situations that students had to analyze and discuss. Most students did a fine job of applying what they had learned in analyzing the hypothetical cases. This was an important segment of the course.

Conclusions

Students' Initial Assessments of the Course

The experimental law course for the preservice curriculum was well received by the future primary and secondary school teachers enrolled in it. On the class evaluation form, students wrote that this law course had provided them with their most "exciting" and "valuable" university learning experience. Comments suggested that students were most appreciative of the theme-panel approach and the classroom handouts given to them for future reference and use. In response to a query on the evaluation form, students made it clear they preferred the Socratic discussions to lectures. Moreover, they found the method of analysis used in class relevant to finding solutions to some everyday problems. Lack of adequate time for the theme-panel discussions and the difficulty of the first examination were viewed as the course's major shortcomings. Overall, the rating scores for the class were very high, and written comments underscored the high probability that these future teachers would use LRE materials and methods in their own classrooms.

Importance of the Course Format

The course format was perhaps the single most important factor accounting for the outstanding success of

this experimental preservice law course. Since students came to the course from a variety of academic backgrounds, Part I was included to give a basic understanding of legal concepts. On the basis of my experience with this course, a similar component should be a vital part of every preservice LRE course regardless of its overall focus.

To be sure, the ambitious objectives of this could not have been accomplished without the theme panels. The theme panels afforded me with an efficient and effective way to teach and demonstrate the LRE approach on the one hand, and students the opportunity to gain experience and practice with LRE materials and methods on the other. For some panel members, it was the first time in their university experience that they had participated in a team effort of this sort, and the meshing of talents, skills, interests, and personalities contributed to excellent classroom performances and the development of some outstanding LRE teaching packages. One surprising outcome of the panel discussions was the extent to which students' values were brought into sharp focus. Students were quite tolerant of views that were different from their own, and the Socratic discussions helped to clarify some values.

Selection of Course Materials

Careful selection of course materials was extremely helpful in making this single preservice law course a valuable and enjoyable learning experience for future teachers rather than a frustrating and boring one. My experience with this preservice law course enables me to offer the following guidelines in selecting materials:

1. Give the students some exposure to primary legal sources, such as judicial opinions and statutes, as well as the writings of legal scholars.
2. Select secondary materials from a variety of disciplines to illustrate both the broad impact of the law and its truly interdisciplinary nature.
3. Take selections from familiar subject areas of law that are related to concerns that already agitate the student's mind rather than abstract jurisprudential materials so that you will translate the study of a rather difficult subject into an exciting learning experience.

The Promise of LRE in the Preservice Curriculum

Finally, my experience with this course offers convincing evidence that law is an appropriate subject for the preservice curriculum. Moreover, teaching law in the preservice curriculum will afford university professors in a variety of disciplines a tremendous opportunity to develop innovative and exciting new courses that could have a major role in shaping the future of citizenship education in our primary and secondary schools.

While the course described in this report was taught by a political scientist in a department of political science, by simply changing the focus of the theme panels, it could easily be adapted to the interests and expertise of a professor in another discipline. Although there are a number of possible approaches to the problem of incorporating law courses into the preservice curriculum, the pretested model described here offers one example of how this might be accomplished.

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Law-Related Education: The Link with Clinical Experiences in Teacher Education

Phyllis Maxey Fernlund

Introduction: Partnership Between University, School Site, and LRE Organizations

Teachers throughout the United States are given the responsibility for educating children and youth for participation in a democratic society. Law-related education offers an approach to citizenship education that emphasizes the active involvement of students in the study of legal, moral, and ethical issues facing society. Curriculum development and innovations in law-related education have contributed valuable approaches to instruction in these areas. A teacher preparation program that includes LRE content and instructional strategies will provide beginning teachers with a rich resource for their role as civic educators.

This article examines the relationship of law-related education (LRE) to the clinical components of university teacher-preparation programs: observation/participation at school sites, student teaching, internships, and university support. If preparation in law-related education is to be a part of these clinical experiences, the university must take an active role in providing the necessary support. A partnership of the university, K-12 school sites, and local LRE organizations can make the difference between "just one more requirement" and a valuable educational experience for a beginning teacher. Recently, several universities have attempted to build such a partnership.

Types of Clinical Experiences

Observation/Participation

Most teacher preparation programs include early field experiences in the schools before student teaching begins. This observation/participation component provides opportunities for preservice teachers to reflect on current practice. Students can observe master teachers using law-related lessons in various subject areas and grade levels. They can analyze the factors that helped and that hindered student learning. They can observe a teacher using case studies to discuss a controversial issue. Students can see how a teacher weaves law-related content into a U.S. history course or into a discussion of children's literature.

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Courses that focus on curriculum and teaching methodology are not the only university classes that can incorporate the content of law-related education into observation assignments. Law-related education can be a part of course work in Social or Psychological Foundations of Education. Observation assignments might include a comparison of different classroom climates and the resulting impact on student participation, expression, and tolerance of diverse views. Students could use their observations to test Oakes's thesis (1985) that the ability-grouping system used in schools produces profound differences between high- and low-track classes. Issues of equity and justice arising from such observations can be discussed in a wide variety of general preparation classes.

A particularly intensive clinical experience is provided for students at the University of Redlands in California. In the teaching methods class in elementary education, preservice teachers plan a team-taught lesson using law-related materials provided by the professor. After several weeks of preparation at the university, the class meets at a school site. Student teams observe their assigned class for several days, consult with the classroom teacher, and modify their planned lessons as needed. Then for several weeks, for one hour a day, they are responsible for teaching their plans. The university professor is on site to observe and coach this first attempt at teaching and leads a seminar several times a week to discuss their experiences.

The approach the University of Redlands takes to clinical experience offers an ideal opportunity to teach a series of law-related lessons. Students can concentrate on fewer variables when they are responsible for teaching only one subject. For example, future elementary school teachers might concentrate on learning how to set up a mock trial, without a concern for math, PE, lunch tickets, and hundreds of other instructional and management tasks. The university program implements in the teacher's classroom the research findings of Joyce and Showers (1980) showing the critical importance of feedback and coaching at the school site. Without this field-based application of teaching strategies, the methods learned in the university classroom might never be implemented. This early field experience in observation and participation is an exciting and motivating introduction to LRE and to teaching.

Student Teaching

Student teaching involves a gradual immersion in the responsibilities of a teacher. A student teacher is a participant for two or more months in the established classroom of an experienced teacher. The university supervisor periodically visits to observe the student teacher and meet with both the classroom teacher and the student teacher. This triad of student teacher, university supervisor, and classroom teacher can be an effective team in helping the beginning teacher integrate law-related education activities into the social studies curriculum.

Since law-related education stresses active involvement of the students, classroom management must be carefully considered in advance of a lesson. If both the university supervisor and the classroom teacher are knowledgeable about law-related education, they can help the student teacher identify resources and possible pitfalls before teaching the lesson. A knowledgeable university supervisor can clarify the goals of law-related education and encourage the student teacher to try several approaches. Perhaps the LRE lessons will include a visit by a resource person. If a police officer, attorney, or probation officer is invited to class, what preparations are necessary? What can the teacher do to make contact with a legal professional a stimulating learning experience? Support and encouragement of these beginning attempts are critical.

Internships

The intern in teaching is an employed, first-year teacher who is not yet fully credentialled. While completing their studies for a credential, interns are supervised by school district personnel and university faculty. The internship may be created by a teacher shortage or as a state requirement extending the preparation for a credential. There is a growing interest on the part of state legislatures and national commissions in requiring an internship after student teaching, withholding a teaching credential until successful completion of the internship.

What does the internship mean for law-related education? The ideal internship offers a long-term opportunity to work with a teacher. Rather than being limited by the short period of student teaching, the university and school district can provide support for a beginning teacher throughout their first and second years. The kind of intensive LRE training offered through inservice workshops and conferences could be extended to include the interns. It takes time to provide teachers with a background in LRE, knowledge of LRE curriculum, and the skills to implement and evaluate LRE lessons. In place of a student teaching experience with one or two LRE lessons, the interns would have the time for a more in-depth experience with LRE.

In the internship, the varying concerns of a teacher implementing an innovation can be addressed as they arise, with time for the teacher to experience mastery. The internship allows new teachers to build their skills in their own classrooms. Master teachers, university faculty, and staff development experts in law-related education can provide ongoing assistance and support.

The internship provides the university with the opportunity to effectively link theory and practice. Content and methodology for civic education can be applied in daily practice. Seminars and individual conferences with LRE leaders, classroom teachers, and university faculty would provide opportunities for the interns to reflect on theory and practice.

Sample Placements: Opportunities and Limitations of Clinical Experience

Clinical experiences may make up more than half of the credits required in a university certification program. What is learned in the field? If we accept the findings of observational studies of classrooms by Goodlad (1984) and the case studies of Stake and Easley (1978), we know what many student teachers will see when observing social studies lessons. In secondary schools, they will find passive students, textbook recitation, and a teacher doing most of the talking. In elementary schools they will find that little time is spent on social studies and that when it is taught, the curriculum is dominated by the textbook and worksheets.

Many teachers look back on teacher preparation and identify their field experiences in schools as the most valuable part of the university program. Learning through experience can bring insight into teaching and learning; but experience can also foster an unreflective approach in which the new teacher learns nothing more than routines to fill time and keep children busy (Feiman-Nemser and Buchmann 1985).

Let us consider three possible placements for a student teacher whose university encourages the teaching of law-related lessons during student teaching. The descriptions of these three teachers are drawn from data collected for an ethnographic study of teachers' worklife (Maxey 1986). The three individuals teach social studies at the junior or senior high school level and work with student teachers from California universities.

Mr. Miller's U.S. history class. Mr. Miller is known throughout the high school as a tough disciplinarian who addresses each student as "Mister" or "Miss." All of his classes have the same weekly routine. For two days each week, students take turns reading a chapter in the text aloud in class, paragraph by paragraph. Homework involves answering the questions at the back of the chapter and making reports on topics from the chapter. Most students copy information from an encyclopedia and read their notes in less than two minutes in front of the class. Every week there is a test on recall of information from the textbook. Mr. Miller takes no papers home; his student assistants grade papers during each class.

The principal assigns a new student teacher, Julie Jackson, to Mr. Miller for two periods a day. Julie explains her university program and her interest in teaching a law-related lesson at some point during the quarter. Julie explains, "In my methods class we used some Supreme Court case studies and discussed them in small groups and then as a whole class. Would it be all right if I used the *Korematsu* case about the relocation of Japanese-Americans when we study World War II?

Mr. Miller responds negatively. He wants Julie to keep his weekly routine since she will be leaving again in ten weeks and he will have the class back. He adds: "Discussions are a waste of time with these kids. They don't know anything."

Mr. Miller is a poor role model for social studies in general but particularly for implementing law-related education. In his classes the textbook is regarded as the source of truth, and its content must be memorized for the test. Research is merely copying one authority's text and presenting it in front of the class. The teacher's role as a civic educator in a U.S. history class might include such goals as helping students understand the historical development of democracy in the United States, the clash of values that confront lawmakers and judges, the importance of the Constitution and legal system, and the encouragement of civic participation in American society. The teacher's role in civic education and the use of law-related approaches seem to be severely limited in this classroom.

What will Julie learn from this experience, assuming the university allows this student teaching placement to continue? She may learn that discipline and classroom control are the true measures of a tenured teacher. She may believe that methods learned in university classes do not work in the schools. She may learn that teaching is a simple matter of establishing routines that keep the students quiet and in their seats. There are no educational or ethical choices; there are no intellectual or emotional challenges for the teacher.

On the other hand, the university supervisor may be able to work with the classroom teacher to provide Julie with the freedom to try new approaches. In this case, a student teacher would give Mr. Miller the opportunity to see LRE in action and evaluate its effectiveness with students. Many classroom teachers value the experience of working with a student teacher because the new teacher brings different skills, resources, and strengths to the classroom. Although this is not an ideal placement, the student teaching could become a learning experience for both Julie and Mr. Miller with the intervention of the university supervisor.

Mrs. Lewis and Mr. Hastings's team-taught class. Consider the difference for Julie if her experience is with Mrs. Lewis and Mr. Hastings in a team-taught English/social studies class. These middle school

teachers have organized students into "villages" of seven students. Students in each village work together during a unit of study. Individuals are assigned jobs as a discussion leader, researcher, graphics editor, roving reporter, clerk, or various other roles depending on the unit and tasks. In their current study of the Middle Ages, each village is organizing an event for a medieval fair based on their research on medieval life.

When Julie explains her student teaching program, she includes her desire to teach a law-related lesson. The teachers, who have no training in LRE, ask about the field of law-related education. The respond enthusiastically to Julie's ideas and offer to help her plan a unit. They discuss ways to involve the students in understanding the importance of the Magna Carta and suggest role plays to show the difference between living under a king's absolute power versus living by rules of law that even the king must obey. Julie is overwhelmed by the organization of this classroom of 65 students and is relying on the teachers for help.

In this setting, Julie will teach in a sophisticated, complex classroom with two talented and experienced teachers. What will she learn? She may learn a great deal about how to actively involve students in civic education, providing students with knowledge about democratic values as well as experiences with democratic processes. In terms of the goals of law-related education, Julie has a far greater chance to gain significant learning experiences in this setting. In the team-taught classroom, students have opportunities to exercise authority and responsibility in carrying out their roles within the village. Inquiry is valued as well as active learning strategies. The meaning of an important historical and legal document will be explored in ways that move beyond memorization to experience, reflection, and understanding.

Mr. Lopez's American history class. If Julie were to student teach in Mr. Lopez's eighth grade American history class, she would be working with an experienced LRE teacher. Mr. Lopez has attended a summer institute on law-related education offered by one of the national LRE organizations. He contributed one of his LRE lessons to a published collection of teachers' materials. He regularly attends the LRE sessions at his local and state social studies conferences. As a member of the community advisory committee for the university's credential program, Mr. Lopez was very supportive of LRE in preservice courses. He argued in favor of requiring student teachers to teach at least one LRE lesson.

Mr. Lopez sits down with Julie and helps her plan to teach about the Constitutional Convention. He shares materials he has collected that help students grasp such abstract principles as separation of powers and limited government. Simulations, role plays, research projects, and a videotape of the New York state ratification debate are among the resources available to Julie. Together they select two current case studies that raise constitutional issues of interest to the students. Mr. Lopez suggests inviting a lawyer to class to observe the students conducting a moot court hearing of a case that raises a constitutional issue. The lawyer would then be asked to respond to students' questions on the case as well as on related issues.

Mr. Lopez will provide Julie with an effective model of LRE in the curriculum. His wealth of knowledge about curriculum materials and classroom activities will allow Julie to reach beyond the textbook to learning experiences that are highly motivating to students. Mr. Lopez also provides a model of a teacher actively involved in his profession, creating materials, attending meetings and conferences, and working with a local university in teacher preparation. This student teaching placement offers many opportunities for growth for the three members of the team. University supervisor, classroom teacher, and student teacher may expand their understanding of the Constitution, encounter new ways to approach this content, and help each other evaluate the impact of these approaches on junior high students.

Selection of Field Sites and Master Teachers

The examples of the limitations and opportunities of clinical experience illustrate the importance of the selection of student teaching sites. And it is vital that universities work closely with schools and cooperating teachers.

Criteria for Site Selection

To implement a law-related approach, the following criteria might guide site selection:

1. Schools with an open climate (Halpin and Croft 1963) in which administrators and teachers work together to determine and accomplish goals.
2. Classrooms that provide students with opportunities to exercise leadership and take responsibility for their work and their group's accomplishments.
3. Teachers with experience in and a commitment to teaching about the legal system and civic values in a classroom climate open to discussion and dissent.
4. Teachers with a knowledge of law-related education, who are willing to allow student teachers opportunities to try out such strategies as mock trials, case study discussion and analysis, simulations, and field trips.

Identification and Development of Master Teachers: Sample Partnerships

The selection of master LRE teachers to work with a beginning teacher can be facilitated by working with a local LRE organization. For 20 years, the federal government and state and local efforts have provided funds for inservice training in law-related education. As of May 1988, 28,000 teachers from 40 states had each received 10 hours or more of LRE training. A state or local LRE organization can help universities identify teachers in the student teaching placement area who have been active in LRE. This tremendous investment in inservice training can be of great benefit to the student teacher. The combination of preservice work in LRE in university classes and its effective application during student teaching can have powerful and lasting results. A knowledgeable classroom teacher is an important asset in this effort.

The DePaul-CRF Project. An example of this partnership is being developed in Chicago. DePaul University and the Constitutional Rights Foundation (CRF) have proposed a cooperative project for university students in education and liberal arts. CRF has organized a law-related education project in local schools involving cross-age teaching by high school students in eighth grade classes studying the U.S. Constitution. CRF has a network of master teachers in law-related education to assist the university in finding excellent teachers and placement sites. Early experiences in observation/participation as well as student teaching can be carried out with these LRE teachers. In the DePaul/CRF program preservice students would act as team leaders for the high school students, helping to prepare them to use LRE activities with the eighth graders. University instructors, CRF staff, and LRE classroom teachers would provide the instruction and monitoring of the university students.

Georgia State University model. Armento (1986), in her description of the Master Teachers of Economic Education Program at Georgia State University, presents a model for building a network of classroom teachers. In addition to offering advanced university degree work to selected teacher participants, the program offers topical seminars at the university for new and former participants. Such an ongoing educational program would greatly facilitate the university task of building a cadre of LRE master teachers. Seminars could also provide current knowledge on a wide variety of topics: recent Supreme Court opinions, local government issues and policies, and new LRE curriculum materials. Many LRE national or state organizations provide a network of educators with newsletters, publications, and training workshops. These established professional networks can be of great value to a university-based program.

The University's Contribution

The university is a focal point for the many actors in the business of teacher education.

Faculty Development and Support

Faculty interest and participation must be actively cultivated, supported, and rewarded: Otherwise, their interests will be pulled in other directions as the demands of promotion and professional advancement require.

The interdisciplinary center approach. The many resources of the university can be organized into an interdisciplinary center concerned with civic education. Such a campus organization might have a variety of functions:

- Coordination of liberal arts preprofessional coursework on the Constitution and legal systems.
- Organization of LRE content in professional coursework: Foundations, Reading, Methods, etc.
- Sponsorship of faculty development workshops featuring speakers, introduction of new LRE materials, or building faculty skills in such methods as teaching with case studies.
- Funding to support research and curriculum development projects in LRE by university faculty.
- Sponsorship of LRE conferences for classroom teachers.
- Support and publication of faculty research in law-related education.

The center could provide an on-going program similar to the work of centers of economic education.

LRE-related requirements. At the national and state levels, individuals, legislatures, commissions, and accreditation organizations propose new requirements for teacher education. Law-related education could be one of the required competencies. Requirements, however, have advantages and disadvantages. If all teachers must demonstrate competence to use law-related approaches in the classroom, then such a requirement becomes institutionalized—that can be an advantage. University faculty include LRE in their preservice courses and lose the option of deciding if law-related education is important. But there are disadvantages. Instead of becoming committed to the important goal of civic education, faculty may be unenthusiastic and attempt to "cover" the required content, thus providing an ineffective civic education. Faculty and supervisors of student teachers must have the knowledge and skill to support a beginning teacher in becoming a civic educator. As new faculty join the department, they must be provided with opportunities

to familiarize themselves with LRE content, methods, and materials.

Eastern Kentucky University, for example, has established the following requirements for all elementary preservice teachers:

1. Preservice students attend an all-day workshop on LRE by a team of methods professors as part of university classwork.
2. All students select an LRE topic, design an acceptable lesson, and teach that lesson during student teaching.
3. All students attend a follow-up workshop to debrief the lesson, share experiences with others, and receive additional LRE resources. Laboratory school teachers meet with the student teachers and provide feedback.

This program gives all preservice students in elementary education the benefit of LRE training by the team, without requiring all university methods faculty to master LRE content and approaches. A team of methods professors and university laboratory school teachers is given background in LRE in a "Training of Trainers" workshop. This team then provides the initial LRE workshop for student teachers and follow-up seminar. Bonar (1989) reports that this approach has received high ratings from the pre-service teachers. They were able to teach their LRE lessons despite their placement with cooperating teachers who knew little about LRE.

Access to Resource Materials: The California State University Civic Education Enhancement Project (CEEP)

For university faculty members to use LRE materials in their classes, they must have sample materials to use in their teaching. Print materials, computer software, video, and film are available as resources. Sample lessons can be pulled from many free and inexpensive publications. School districts, county offices, state bar associations, and LRE organizations have materials that can be borrowed or reviewed for purchase.

Education students will also need to use LRE materials as they plan lessons for microteaching or student teaching. The university curriculum library or LRE center could house these materials and make them available to faculty and students.

In the California State University Civic Education Enhancement Project (CEEP) we were able to use federal grant funding (Fund for the Improvement of Post Secondary Education and the Law Related Education Grant Program of the U.S. Department of Education) to donate LRE materials to each of the 19 campuses (Stanton and Maxey 1987). National project materials were included from the following organizations: the American Bar Association, the Center for Civic Education, the Constitutional Rights Foundation, and the National Institute for Citizen Education in the Law. Materials included resources for teaching at all levels, from the primary grades to university classes. These resources were housed in the campus LRE coordinator's office for use by project faculty and later placed in curriculum libraries with access for all students and faculty. Professors of education, history, political science, and humanities throughout the California State University system integrated law-related materials into a variety of university courses. The CEEP publication, *Law-Related Education in University Classrooms* (Stanton and Maxey 1988), collected and disseminated faculty efforts as models for others to use in faculty development.

Conclusion: The Pivotal Role of the University

The university has an important role in providing beginning teachers with law-related background as well as applications to practice. Future teachers need assistance in linking their understanding of constitutional concepts, civic values, and democratic processes to the classroom. The level of knowledge, skills, and attitudes of these new teachers will have a major impact on the civic education of thousands of children and youth.

If clinical experiences with law-related education are to have an impact on new teachers, the university must organize essential resources: law-related curriculum materials, effective master teachers, and the expertise of local and national organizations in law-related education. In addition, university faculty must be introduced to the field of law-related education through conferences, speakers, visiting scholars, and workshops. Sustained faculty LRE participation needs to be rewarded with time, financial support, and publication opportunities. With this support, the civic education of future teachers can be greatly enhanced through university-wide participation of faculty in education, the social sciences, history, and the humanities.

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LRE in Elementary Social Studies Methods Textbooks and Courses: Perspectives, Issues and Recommendations

David T. Naylor

Introduction: Preservice Education Now a Priority

Law-related education (LRE) is one of the educational innovation success stories of the past two decades. Its proliferation in the 1970s and 1980s attests to its growth and vitality. Hahn's 1985 survey of members of the Council of State School Studies Specialists of the National Council for the Social Studies in each of 46 states provides evidence of LRE's growing impact on the public schools. "The biggest change since 1977," she reported, "is that law programs are now in wider use than any of 'the new social studies' projects" (p. 221). Slightly more than half of her survey respondents identified LRE as the most frequently added "theme" in their state's social studies curriculum. They ranked LRE fourth among social studies priorities in their states. Only citizenship education, economic education, and critical thinking/problem solving were ranked higher. In a recent issue of *Curriculum Report* (1987), published by the National Association of Secondary School Principals, Charlotte Anderson concluded "All the evidence indicates that LRE is indeed 'for real'; that it is very much alive and prospering as a contributor to the secondary curriculum in 1987" (p. 1).

As encouraging as these and other indicators are, LRE advocates cannot afford to stop seeking ways to sustain, strengthen, and broaden the base for LRE. To date, the primary focus of LRE efforts has been on inservice education—those who are already teaching in our nation's elementary and secondary schools. Preservice education has been largely ignored. Despite a few calls to broaden the focus to include preservice education as well (e.g., Naylor 1977, 1980; Pleasants 1979), hardly any initiatives have been undertaken. Those that have, principally under the auspices of the American Bar Association, have lacked the broad-based, concerted efforts that characterize inservice LRE initiatives. Not surprisingly, they have produced less than encouraging results.

If LRE is to realize its potential, preservice education must become a priority area. Changes that our nation's schools and its teaching

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profession are currently experiencing mark this an opportune time for launching a well-planned, well-coordinated, and well-supported effort in preservice education. For example, according to the 1986 Carnegie Forum on Education and the Economy report, *A Nation Prepared: Teachers for the 21st Century* (1986), demands for new teachers will accelerate greatly in the next decade. "Between 1986 and 1992," that report projected, "1.3 million new teachers will be hired" (p. 31). As reports of significant increases in preservice teacher education enrollments in our colleges and universities mount, as the anticipated teacher retirements in large numbers occur, and as the demand for new teachers beyond replacement levels materializes, preservice teacher education must take on a greater sense of importance for LRE advocates.

Of the various components of a preservice teacher preparation curriculum, the social studies methods course offers perhaps the most obvious and important opportunity for LRE. How does LRE fare in it? Frankly, we don't know. In fact, we don't know very much about its nature, content, or status (Ochoa, 1981).

LRE advocates need to take greater interest in the preservice social studies methods courses (e.g., elementary, secondary) and move beyond relying merely on idiosyncratic impressions about those courses and the treatment LRE receives in them. As a starting point, this article reports my findings from a content analysis of 12 contemporary elementary social studies methods textbooks. It also identifies a series of questions that need to be addressed through further research—questions that are related to the characteristics of social studies methods courses and those who teach them. In brief, the purpose of this article is to identify potential opportunities for, as well as potential obstacles to, the inclusion of LRE in social studies methods courses and to recommend specific steps to enhance prospects that LRE will be a salient, integral part of those courses.

Content Analysis of Elementary Social Studies Methods Textbooks

Given the absence of reliable data about social studies methods courses in preservice teacher education programs and the treatment that LRE receives in those courses, I felt that an examination of the textbooks used to teach elementary social studies methods courses would yield useful information. Thus, a content analysis of a sampling of elementary social studies methods textbooks was conducted to ascertain how LRE is treated in them.

The Sample

A large number of elementary social studies methods textbooks have been published in recent years. I selected 12 for this study, with copyright dates ranging from 1985 to 1988. Of the 12, half were in at least a third edition. Five were first-edition works, and one was a second edition. Included in the five first-edition works was a book I coauthored. The 12 textbooks are identified in the Appendix on page 148.

The Questions

The following questions were explored in this study:

1. How much explicit coverage does LRE receive in elementary social studies methods textbooks?
2. How does the explicit coverage of LRE in elementary social studies methods textbooks compare with that given to history and the social sciences?
3. How does the explicit coverage of LRE compare with other "special emphasis" areas in elementary social studies methods textbooks?
4. How is LRE typically described in elementary social studies methods textbooks?
5. What LRE references are cited in elementary social studies methods textbooks?
6. What topics and activities typically associated with LRE are included in elementary social studies methods textbooks?
7. What additional opportunities for LRE exist in elementary social studies methods textbooks if course instructors seek them out?

The Procedures

Each of the 12 textbooks was carefully read and analyzed. "Explicit coverage" was defined as the number of pages found in a textbook's index under a specific content area heading (e.g., LRE, history, global education). The number of page citations was recorded for specified area headings in each of the 12 textbooks. Content coverage comparisons were made on this basis. The following process was used.

First, index and table of contents references were examined to determine the extent that the respective textbook authors *explicitly* identified LRE in their books. Second, a tally was made of the specific number of pages included in the indexes of these books under an LRE entry. Third, the number of index page references to history and each of six social sciences were counted. Fourth, a similar process was used to determine the number of pages allotted to each of seven "special emphasis" areas. Fifth, each textbook was carefully read to identify all references to LRE that actually appeared on the pages of each textbook. A crosscheck was then made comparing index page citations with the actual number of pages on which LRE was mentioned.

When this was completed, a comparison was made of the way LRE was described in each of the textbooks

that included such descriptions. Next, source references for LRE, ranging from articles to organizations, were recorded for each textbook. Then all examples of specific instructional activities typically associated with LRE (e.g., field trips to courthouse or police station, use of legal cases, "game without rules" activity) that appeared in each text were identified, irrespective of whether the textbook authors had or had not specifically identified them as LRE activities. Finally, additional opportunities for LRE that appeared in the textbooks were identified. These opportunities ranged from specific topics frequently included in LRE programs (e.g., conflict resolution, nature of contracts) to generic topics that could be illustrated with LRE examples (e.g., simulations, decision making, handling controversial issues).

The Findings

Index Page Citations to LRE and Other Content Emphases

As shown in Table 1, the number of page citations listed under an LRE index heading varied considerably among the 12 textbooks. Page citations ranged from zero to 31 pages. In five of the 12 textbooks (approximately 42 percent), LRE was not included as an index category nor was any specific reference to LRE found in those textbooks. Of the seven textbooks that had index references to LRE, five also included LRE in their table of contents.

In all but one case, there were differences between the number of index page references to LRE and the number of actual pages in those textbooks on which

Table 1
Explicit References to LRE in Elementary Social Studies Methods Textbooks

Code	Index References (# of Pages)	Table of Contents	Direct References in Text (# of Pages)	Total Pages in Text
A	5	Yes	6	473
B	0	No	0	434
C	5	Yes	5	376
D	2	No	3	318
E	0	No	0	339
F	0	No	0	442
G	6	Yes	16	417
H	31	No	11	451
I	10	Yes	14	359
J	0	No	0	372
K	0	No	0	393
L	4	Yes	6	524

LRE was specifically mentioned. This variance is attributable to author (or indexer) style and preference. For example, the textbook with the most generous LRE index page listings (the one I coauthored) included references to topics (e.g., rules, core values), methods (case method), and activities (e.g., mock trials) commonly associated with LRE and sample lesson plans (e.g., values clarification, decision making) that reflected an LRE focus, even though they were not explicitly identified as being LRE in the textbook pages themselves. In fact, in that textbook the words law-related education appear on only 11 pages, a significantly smaller number than the 31 page references included in the index. Of the remaining six textbooks, one had an exact match between the number of index page references and the actual number of pages on which LRE was mentioned. The other five contained more pages in the body of the text than were indicated in the index.

For comparative purposes, index page listings under the headings of history and six social sciences were also recorded. As shown in Table 2, there was considerable variation within and among the textbooks in the amount of coverage given to each of these traditional

Table 2
Index References to History and the Social Sciences in Twelve Elementary Social Studies Methods Textbooks

	NUMBER OF SPECIFIC PAGE REFERENCES LISTED IN THE INDEX						
Text	History	Anthropology	Ecology	Geography	Political Science	Psychology	Sociology
A	24	22	19	18	19	0	17
B	6	7	9	8	6	1	6
C	10	5	6	9	5	0	3
D	0	0	1	0	0	0	0
E	2	2	2	2	2	1	2
F	2	2	4	3	1	0	3
G	3	4	3	10	2	2	3
H	37	14	23	25	18	0	11
I	31	3	6	27	2	2	4
J	10	7	11	13	9	6	8
K	6	6	18	9	5	1	2
L	2	2	2	2	2	1	2

content sources. Index references ranged from lows of one page and 13 pages in the two textbooks with the least index page listings to highs of 119 and 128 pages in the two textbooks with the most index references. Eleven of the 12 textbooks included references to history, anthropology, economics, geography, political science, and sociology. Only seven of the 12 included psychology.

When it was included in one of the 12 elementary social studies methods textbooks examined in this study, LRE was most commonly identified as being one of a number of "special emphasis" content areas in social studies. Other "special emphasis" areas included career education, consumer education, environmental education, futures education, global education, multiethnic education, and sex-equity education. Though the labels used for some of these areas varied among the textbooks (e.g., sex equity or women's studies, global education or international education), the content focus of each was similar.

As shown in Table 3, there was considerable variation in the number of pages devoted to the eight "special emphasis" areas, both within and among the 12 elementary social studies methods textbooks. For example, global education was included in all but one of the 12 textbooks, whereas consumer education was included in only three of the textbooks. Even accounting for variation in the indexing styles found in these

Table 3

Index References to "Special Emphasis" Content Areas in Elementary Methods Texts
(Number of Pages)

Textbook	Career Education	Consumer Education	Environmental Education	Futures Education	Global Education	Multiethnic Education	Law-Related Education	Sex Equality Education
A	0	0	0	0	6	6	5	6
B	2	0	0	6	11	0	0	0
C	2	0	10	1	9	5	5	4
D	0	0	0	2	3	5	2	1
E	0	0	0	0	9	5	0	4
F	0	0	0	0	0	0	0	0
G	6	0	8	9	5	6	6	8
H	3	8	1	1	12	11	31	6
I	0	0	2	1	16	16	10	3
J	3	8	2	0	2	2	0	1
K	0	0	0	5	3	0	0	0
L	4	4	0	0	6	5	4	4

12 textbooks, it is evident that there were significant differences in the way that these "special emphasis" areas were treated in the respective textbooks. Discussions of global education, multiethnic education, and sex-equity education were included in more of the textbooks than LRE or futures education. Consumer education, environmental education, and career education were included in fewer.

While index page references are of limited utility, they nevertheless point to differences in individual textbooks, both in terms of the types of information included and in the relative weights that the respective authors assigned to that information. It seems reasonable to assume that the absence of explicit references to LRE in both the index and the body of a methods textbook decreases the likelihood that course instructors who use that textbook will deal with LRE when teaching the methods course. Hence, students in such courses will be less likely to be exposed to LRE. Unless course instructors supplement these textbooks with LRE information and materials, LRE will be excluded from the methods course. And even in situations where course instructors include supplementary LRE component, the legitimacy of LRE as a part of social studies will likely be diminished by its explicit exclusion from the social studies methods textbook.

On the other hand, when explicit references to LRE are provided in a social studies methods textbook, it seems reasonable to assume that the likelihood increases that course instructors who use those textbooks will deal with LRE when teaching the methods course, though there is certainly no guarantee that this will be done. And preservice teachers who use such textbooks are more likely to be exposed to LRE and regard it as a legitimate component of social studies programs, given its explicit acknowledgment in the textbooks.

Descriptions of LRE

Of the 12 textbooks examined, seven included specific descriptions of LRE. Overall, the descriptions emphasized the pervasive character of law in our daily lives and the manner in which LRE contributes to effective citizenship preparation. LRE was commonly described as dynamic and analytic, having knowledge, skills, and values dimensions, primarily in relation to the fostering of an understanding and appreciation of the need for rules and laws, the rights and responsibilities of citizenship, legal systems and processes, and basic legal concepts and constitutional principles. Most textbooks emphasized the conceptual nature of LRE in elementary programs, frequently citing key concepts such as authority, fairness (or justice), equality, freedom, responsibility, property, and others. Less common was the importance of community involvement in LRE programs. It was mentioned in only three of the textbooks.

The following examples illustrate the nature of LRE descriptions found in these seven textbooks.

> Law-related education is concerned with giving students the opportunity to understand the pervasive role of the law in everyone's life. The intention is not to create a few junior lawyers, but to teach all students the skills needed to operate within the laws of our society (textbook I, pp. 288-89).

> ... Law-related education seeks to help children develop an understanding of the legal and justice systems and to provide them with a functional knowledge of the operation of legal institutions. It stresses law as an essential component of social life, not as a set of abstract and theoretical concepts relating to the organization and structure of the legal system and government (textbook C, p. 193).

> ... Law-related education emphasizes the knowledge needed for effective citizenship in today's society, including an understanding of Constitutional guarantees, individual and group rights and responsibilities, legal procedures to follow when help is needed, and how to hold authorities accountable (textbook G, p. 188)

> ... The goal of law-related education is to move beyond ... the structural components [e.g., lawmaking process] ... to develop an understanding of the basis of law (or jurisprudence) and the vital role it plays in our daily lives. The ultimate objective of law-related education is to help students understand that the basis for law rests in morality, and not the other way around (textbook L, p. 198).

> Law-focused education is designed to help students obtain the knowledge and skills needed to participate more effectively in our legal institutions. A major goal ... is to help students attain the knowledge, skills, and attitudes needed to obtain their maximum rights within our legal system. Students are taught about the responsibilities that all citizens must exercise to make our legal system work more effectively and justly (textbook A, p. 214)

Source Citations

Specific LRE sources cited in the seven of 12 methods books that included descriptions of LRE were also examined. Source citations not only reveal textbook authors' awareness of LRE materials; they also identify the types of sources to which the users of these textbooks—methods course instructors and their students—are directed for further information. In two instances (i.e., H and I), authors cited specific LRE publications they had written, thus revealing their specific involvement with LRE. In another instance (i.e., G), citations provided evidence of the author's awareness of a large number of LRE materials and organizations. Over all, however, citations were quite meager.

No single LRE publication was consistently cited in the seven textbooks. In fact, only five references were specifically mentioned in more than one of these textbooks. Of the five, two were cited in three textbooks—the ABA book *Daring to Dream*, edited by Anderson and Falkenstein (1980), and the collection of LRE articles that appeared in the 1980 issue of *Social Education* (see Wheeler). Three were cited in two textbooks—Anderson's 1980 article in *Social Education* (one in the Wheeler collection), the 1977 issue of

Table 4

Examples of Identifiable LRE Activities Included in Elementary Social Studies Methods Textbooks

Law-Related Activity	Identified as LRE	Not Identified as LRE
1. **Case Method and Approach**	A G H	
2. Checklist (Values)	H	
3. **Classroom Rules (Developing)**	C	F
4. Concept Instruction (Contract)	H	
5. **Decision Making**	H	
6. Field Trips (e.g., courthouse)	C G H I	K
7. **Films:**		
"Shiver, Gobble, and Snore"	H I	
"The Owl That Gave a Hoot"	I	
8. Filmstrip: "That's No Fair!"	H	A
9. **Forced Choice Exercises**	H	
10. Game Without Rules		D F
11. **Hypothetical Situations**	H I	
12. Inquiry	A	
13. **"Island Game" variant**	A	
14. Law Day	C	
15. **Laws—Then and Now**	C	
16. Legal Cases	A G H	I
17. **Literature:**		
General	G	
Aesop Fable	H	
Little Red Hen	I L	
Peter Rabbit		F
Shiver, Gobble, and Snore	I	F
18. **Mindwalk**	G I	
19. Mock Hearings	A	B C D
20. **Mock Trials**	C G H	
21. Moral Dilemmas	H	F E G I J K
22. **News Articles**	C	B
23. Newspaper Advertisements	C I	
24. **Observation Skills/Picture Analysis**	I	
25. Research Legislation	C	
26. **Role Play**	A H I	F
27. Rules in Different Environments	G H	
28. **Signs as Indicators of Rules**	G	
29. Simulations	K	
30. **Speakers in the Classroom**	C H I	
31. Surveys	A H	
32. **Television (accuracy of)**	C	
33. Treaties (anaysis of)	I	
34. **Videotapes (student made)**	I	

Social Education that featured a series of articles on "law-focused education" (Gross), and Rosenzweig's chapter in *Developmental Perspectives on the Social Studies* (1982).

Six of the 7 textbooks identified at least one LRE organization by name. Of these, five also included a corresponding address for each organization mentioned. One (I) even listed the names and addresses of LRE projects in 12 different states. Of the organizations mentioned, the American Bar Association's Special Committee on Youth Education for Citizenship (YEFC) was included most frequently; five textbooks mentioned it. Readers were encouraged to contact the organization(s) mentioned for additional information about LRE.

Opportunities for LRE

Despite the relatively scant attention to LRE that index and actual text page counts suggest in these 12 methods textbooks, a careful reading of those textbooks revealed a more encouraging picture. Whether activities were identified explicitly as LRE or not, most of the 12 textbooks included a number of excellent LRE activities. Table 4 lists them.

As shown in Table 4, the range of identifiable LRE activities found in these textbooks is broad. There is also considerable variation in the nature of the LRE activities included in any one textbook and in the amount of space they received in it. Some of the activities received extended treatment; others were limited to one- or two-sentence descriptions.

Apart from the explicit descriptions of LRE and the identification of specific LRE activities, additional opportunities for LRE were also present in these textbooks. Examples of the important role that LRE plays in elementary social studies programs were found in *all* of the textbooks examined, even in the five textbooks that made no direct reference to LRE. For example, while the words *law-related education* were never used in textbook F, an excellent opportunity for LRE existed in the context of the author's discussion of Bloom's taxonomy and higher level thinking skills (pp. 88-89). In this instance, the author included a copy of a page from an elementary social studies textbook—"Lesson 1: Society Needs Law"—and stated: "Suppose a teacher is responsible for teaching the concept of law, as shown in ... [the text excerpt]." In the ensuing discussion, that author identified several ways to teach what was clearly a law-related lesson, though it was never identified as such.

Similar opportunities were found to exist in many of the 12 elementary social studies textbooks. Some occurred within the context of curriculum and instructional planning discussions (e.g., goals, grade level themes and topics, sample concepts and generalizations, unit topics, and examples of unit and lesson plans). Some appeared in passages about conflict resolution, problem solving, decision making, social issues, and inquiry, as illustrative context situations or related classroom activities. Still others were present amidst discussions of various methods and activities, such as those related to data-gathering skills (e.g., newspapers, television, interviews, surveys, field trips) and values education (e.g., values clarification, values analysis, moral reasoning). Overall, virtually all of the elementary methods textbooks examined provided direct entry points for LRE.

Whether and how instructors using the methods textbooks actually capitalize on the opportunities for LRE in a specific methods course depends on the individual methods course instructor himself or herself. Clearly, this is the most critical variable affecting the treatment of LRE in any methods course. The course instructor's reactions to and use of these LRE opportunities will be significantly influenced by the degree of awareness and knowledge.

Observations Regarding Elementary Social Studies Methods Textbooks

Depending on how one views the liquid in the glass, the information gleaned from this analysis of 12 contemporary elementary social studies methods textbooks is an occasion for joy or despair. On the one hand, it is clear that LRE is finding its way into the elementary social studies methods textbooks. In some of these books, the treatment of LRE is relatively extensive. Clear explanations of LRE and solid rationales for it can be found. So, too, can a number of the more commonly used LRE approaches and activities. In addition, a number of other, less obvious opportunities for LRE were present in these textbooks. Law-related situations frequently served as the context for illustrating a variety of widely recognized social studies goals, issues, methods, and activities.

On the other hand, it is clear that the treatment of LRE varied considerably among these 12 elementary social studies methods textbooks. The fact that the words *law-related* (or *law-focused*) *education*, were never mentioned in five of the 12 textbooks is sobering. More needs to be done to reach the authors of these textbooks. Even more importantly, steps need to be taken to insure that the instructors of elementary social studies methods courses, especially those who use the five textbooks that include no references to LRE, are aware of LRE and sensitized to its importance. Otherwise the opportunities that currently exist in the methods textbooks will be lost.

How realistic is it to assume that course instructors will include LRE in their methods courses? How realistic is it to assume that they will recognize and

capitalize upon opportunities for LRE that are present in most textbooks, be they explicitly identified as LRE or not? How likely is it that course instructors will supplement the methods textbook with LRE materials and provide their students with an appropriate understanding of LRE? How *full* is the glass?

Perspectives on the Methods Course

The foregoing analysis and discussion of the nature of elementary social studies methods textbooks underscores the importance of the social studies methods course for LRE preservice initiatives. Unfortunately, little is known of the present status of the social studies methods course, a course that has been and continues to be an enigma for many. The same can be said about those who teach social studies methods courses. In the absence of reliable data, a series of critical variables need to be considered and addressed. They include:

1. *The scope of the course:* Are social studies methods included as part of a general methods course, as part of a combined methods course (e.g., science and social studies), or in a course that deals exclusively with social studies? How common are each of these three models in teacher preparation programs?
2. *The content of the course:* How much emphasis is placed on substantive content and how much on methods in the course? To what extent do methods courses emphasize a "bag of tricks" approach versus a broader conceptual approach?
3. *The status of the textbook in the methods course:* How common is it for a social studies methods textbook to be used in the methods course? How is the textbook most commonly used (e.g., does it differ from the way it is used in elementary and secondary school social studies instruction)? Which methods textbooks are most widely used to teach social studies methods?
4. *The time available for the course:* How much instructional time is available to teach social studies methods—15 hours, 30 hours, more or less than this? What are the most common patterns? What effects have recent changes in preservice teacher preparation programs had on the social studies methods course?
5. *When the course is offered:* When do students typically take the social studies methods course? Is it taken near the beginning of the teacher preparation program, in the middle, or near the end of it? How much pedagogic and content background and how much school-based experience do preservice teachers typically have prior to enrolling in the social studies methods course?
6. *The course instructors:* Who teaches the social studies methods course? How frequently is this course taught by senior faculty members, junior faculty members, graduate students, and adjunct faculty (e.g., public school teachers)? How common is it for the course to be taught by a social studies specialist? How actively involved are course instructors in social studies education? How familiar are they with LRE?

The analysis of the 12 elementary social studies methods textbooks revealed a range of approaches for dealing with LRE in a social studies methods course. Those approaches may be classified in the following manner:

1. total exclusion—completely ignoring LRE;
2. benign neglect—briefly mentioning LRE but giving it much less attention than other content or special emphasis areas;
3. equal treatment—giving it approximately the same amount of attention as other content and special emphasis areas;
4. favored treatment—placing greater emphasis on LRE than some of the other content and special emphasis areas; and
5. infusion—combining both discrete discussion of LRE and using LRE as a vehicle for teaching major topics commonly included in a social studies methods course.

If the elementary methods textbooks examined in this study are indicative of how social studies methods course instructors typically organize and teach their courses, then LRE is most likely to be dealt with in one of three ways—total exclusion, benign neglect, or equal treatment among other special emphasis areas. The favored treatment approach, which was found in several of the textbooks, suggests that instructors' preferences determine whether LRE or other special emphasis areas will be given priority. For example, the author of textbook E gave priority to global education, multiethnic education, and sex-equity education, and the author of textbook I gave priority to global education, multiethnic education, and LRE. The authors of textbook K gave priority to economic education, global education, and futures education, and the authors of textbook B gave priority to global education and futures education. The infusion approach, which is found in textbook H (the one I coauthored), is clearly the exception to dealing with LRE in an elementary social studies methods textbook. Yet, as discussed previously, the great majority of the elementary methods textbooks examined in this study provide ample opportunities for sensitized course instructors to use

the infusion approach when teaching the methods course.

This analysis of elementary social studies methods textbooks makes clear that LRE is engaged in a competitive struggle with other special emphasis areas for space and attention in social studies methods courses. Instructors' preferences coupled with textbook authors' orientations significantly influence the role that LRE will play in a methods course. Of the two, the most significant is course instructors' preferences. Unless a conscious, concerted effort is made by LRE advocates to ensure that methods course instructors are knowledgeable about LRE, convinced of its value, and prepared to recognize and capitalize on the range of entry points, the struggle for attention in and impact on the social studies methods course is unlikely to produce favorable outcomes for LRE.

Recommendations

The following are some immediate steps that LRE advocates can—and should—take to increase the prospects for LRE in social studies methods courses.

1. *Obtain current data about social studies methods courses.* Conduct one or more studies to gather information about the status and nature of elementary and secondary social studies methods courses. Focus attention on both the content of the methods courses and those who teach them. In addition, ascertain the degree of course instructors' familiarity with LRE and their perceptions of it. Use the questions previously provided in this article to guide the effort.
2. *Conduct conferences and workshops for the instructors of social studies methods courses.* To date, LRE efforts have focused almost exclusively on inservice education. That focus must be broadened to include preservice education as well. Conferences and workshops for college and university faculty should be assigned a high priority.
3. *Publish materials specifically for social studies methods course instructors.* Prepare LRE materials specifically for those who teach social studies methods courses. Disseminate them widely. Follow the model of the Joint Council on Economic Education, which publishes *Using Economics in Social Studies Methods Courses* (Weidenaar 1982). This publication "consists of classroom activities that demonstrate how economics can be used as the vehicle for teaching major topics most frequently included in the typical social studies methods course" (p. vii). Emphasize an infusion approach.
4. *Establish effective communication links with the authors of social studies methods textbooks.* The analysis of the 12 elementary social studies methods textbooks underscored the need for insuring that methods textbooks authors are fully informed about LRE. Not all appear to be. Some of the textbooks contained dated or misleading information about LRE. For example, one textbook (L) with a 1988 copyright stated: "Law-related projects ... exist in over a dozen states." (The number is much larger.) Other textbook authors appeared to be unaware of LRE or with LRE materials and sources.

Involving methods textbook authors in LRE conferences, sending them copies of such publications as *Update on Law-Related Education, LRE Project Exchange,* and *LRE Report* on a regular basis, and providing them with copies of other LRE books, articles, and bibliographies are but some of the ways that current misconceptions and levels of awareness can be addressed. LRE advocates cannot afford to neglect this group of educators and the influence they have on preservice teacher education.

Conclusion

If LRE is to continue to grow and flourish, its advocates must give priority to preservice teacher education. Steps need to be taken along the lines suggested above to ensure that LRE will have an impact on newly certified teachers. Recent teacher shortage projections, combined with increasing enrollments in elementary and secondary certification programs throughout the United States, add a greater sense of urgency to a preservice initiative. The current impetus of reform movements affecting teacher preparation programs nationwide provides a catalyst for such an initiative. Clearly, the time is right for launching a concerted effort in preservice education.

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Appendix

Elementary Social Studies Methods Textbooks Analyzed

Code	*Textbook*
A	Banks, J. 1985. *Teaching Strategies for the Social Studies.* 3d ed. White Plains, NY: Longman.
B	Ellis A. 1986. *Teaching and Learning Elementary Social Studies.* 3d ed. Boston: Allyn and Bacon.
C	Jarolimek, J. 1986. *Social Studies in Elementary Education.* 7th ed. New York: Macmillan.
D	Kaltsounis, T. 1987. *Teaching Social Studies in the Elementary School.* 2d ed. Englewood Cliffs, NJ: Prentice-Hall.
E	Martorella, P. 1985. *Elementary Social Studies.* Boston: Little, Brown.
F	Maxim, G. 1987. *Social Studies and the Elementary School Child.* 3d ed. Columbus, OH: Merrill.
G	Michaelis, J. 1985. *Social Studies for Children.* 8th ed. Englewood Cliffs, NJ: Prentice-Hall.
H	Naylor, D. and R. Diem. 1987. *Elementary and Middle School Social Studies.* New York: Random House.
I	Nelson, M. 1987. *Children and Social Studies.* New York: Harcourt, Brace, Jovanovich.
J	Savage, T. and D. Armstrong. 1987. *Effective Teaching in Elementary Social Studies.* New York: Macmillan.
K	Schug, M. and R. Beery. 1987. *Teaching Social Studies in the Elementary School.* Glenview, IL: Scott, Foresman.
L	Welton, D. and V. Mallon, 1988. *Children and Their World.* 3d ed. Boston: Houghton Mifflin.

It is hard to imagine a more potent foundations course for developing professional educators qua professionals than the Social Foundations of Education course that Fischer teaches and which he describes here. It offers teachers' critical insights into the synergism of society and schooling and develops teachers' competencies as professionals who have special responsibilities for maintaining an educational system that fulfills its potential. The "subtopics" that Fischer uses to organize his course enable him to raise issues that teachers will be called upon to address throughout their careers. The specifics will change but the issues and principles in which they are imbedded will remain. Further, Fischer engages his students in honing and applying their analytical and communication skills as they grapple with the complexities of the issues raised. These are skills that will serve future teachers well as they work with their colleagues and constituents to make the critical—but seldom clear-cut—educational decisions which will inevitably confront them. Thus, the "foundation" that Fischer offers—and proposes to others—is an essential one.

The course could be even more potent if it were linked with a methods course in which these future teachers were guided in applying the substance and processes they encounter in this course to their own teaching. The course subtopics of "cultural diversity and schooling," "cultural change," "the changing American family," and "equal educational opportunity" are topics that are treated in the best LRE resource materials for elementary and secondary students. The participatory classroom strategies that Fischer uses are central to the effective instructional models offered in these resources. Imagine how stimulating and empowering it would be for a preservice teacher to be engaged as "student" in a Fischeresque foundations course and then to be guided as "teacher" to reflect upon that experience and be given the opportunity to develop the teaching skills to recreate such a student-affirming classroom of one's own.

Classroom teachers who have experienced preservice courses such as these might very well describe their own elementary or secondary classrooms as Fischer does:

> Our classes make liberal use of hypothetical materials, constructed from real situations, which students react to, discuss and analyze prior to reading excerpts from actual cases. To avoid the complexity and technical language of the cases, we excerpt them, "translating" the "legalese" into plain English. Small group work and role playing are often used along with newspaper clippings exemplifying the timeliness of these issues. Students also work on individual or small group projects on specific aspects of the course; this gives them experience exploring a topic in depth as well as becoming better acquainted with relevant library resources.
>
> There are always resource speakers in the area, relevant to topics studied, as well as more media materials than we can use ... (Fischer, page 118-19).

While Fischer constructs his own hypothetical cases and "excerpts" and "translates" actual legal cases, elementary and secondary classroom teachers will need only to identify and use the many age-appropriate LRE materials in which this is done for them. Thus, the task of developing an elementary or secondary classroom modeled on Fischer's is greatly simplified by the fact that there are many LRE materials to draw upon and LRE experts with which to consult.

The approach that Fischer takes in his foundations course is the approach of quality law-related education at any level. Using relevant case studies makes the abstract principles of a law-based society concrete and gives them flesh and blood. Case studies enable students to address, in very human terms, the central issues of democracy, issues which, as Gideonse says earlier in this book, shape "the redefinition of democracy in each succeeding generation."

The course that Miles developed at San Diego State University offers preservice teacher education students an unusually practical and intellectually stimulating educational experience. It is unusual in that education students typically are not provided opportunities within their social science courses to apply what they are learning to their own teaching. Students in Miles' course are required to develop an instructional packet based upon the model of the course. It is also unusual in that elementary and secondary teacher education students participate in the same course and draw elementary and secondary instructional packets from the same course model. More typically, when education students are called upon to apply their substantive knowledge and focus on the instructional issues, they are placed in separate elementary and secondary methods courses. When they participate in a setting where they and their classmates develop both elementary and secondary course designs, some of the professional disjuncture that too often exists between elementary and secondary teachers may be mediated against. Secondary teachers-to-be have an opportunity to observe and, perhaps, experience how challenging it is to adapt complex ideas for use with very young learners. Elementary teachers-to-be gain a better understanding of the learning tasks that secondary teachers expect of their students. Such experiences may ultimately facilitate better articulation between elementary and secondary school curricula.

Both Fischer and Miles have made convincing arguments for the fact that law and LRE instructional methods enrich the teaching of social science and social issues. Whether designing a separate LRE course or infusing LRE into existing courses, university professors can capitalize upon the fact that much has been learned over the past several decades through inservice programs than can inform decisions about both these designs. Classroom teachers who have participated in the LRE inservice workshops and institutes that Arbetman described earlier can effectively infuse LRE into courses in diverse subject areas as well as design various separate courses in LRE. In fact, both these approaches have been effectively and enthusiastically used by the college and university faculty members who participated in the California State University Civic Education Enhancement Project that Maxey Fernlund discusses in her article.

All university faculty can make significant contributions to better education for teachers by revealing their instructional decisions to these future teachers. Show them the conceptual skeleton that holds the course together. Why was this text chosen over others? Why were these topics emphasized while others were ignored or given limited treatment? How does the substance of this course fit into some broader intellectual terrain within the discipline? What assumptions about the nature of the learner and of knowledge acquisition, application, and retention undergird the structure of the course? By exposing these pedagogical decisions to future teachers, professors provide another model that these teachers can use as they develop their own effective teaching models. For that matter, wouldn't such exposure benefit all students, contributing to their understanding of information and knowledge as socially constructed and distributed cultural artifacts?

Maxey Fernlund presents an excellent overview of the many ways that law-related education and clinical teaching experiences can be mutually reinforcing. That is, she points out how much the opportunity to "practice" applying LRE in various clinical settings extends the preservice teacher's understanding of and competency in using LRE. Further, her analysis demonstrates how effective LRE can be in enriching clinical experiences and professional competence in general. This latter phenomenon grows out of the fact that LRE offers teachers not only quality instructional strategies but enables them to develop and apply key analytical skills across the spectrum of their professional responsibilities. Maxey Fernlund suggests how LRE promotes these professional competencies when she notes that the issues of equity and justice (central to LRE) are issues that are at the core of major educational issues and controversies such as classroom climate and tracking. In LRE training, teachers have extensive opportunities to explore the issues of equity and justice and investigate their application in diverse settings. This extension of application to the educational context in which teachers operate can make significant contributions to professional growth.

When Maxey Fernlund turns our attention to examples of alternative classroom placements for clinical experiences, she illustrates how well LRE "fits" into excellent classroom instructional settings. The dynamic teaching team that had carefully structured their classroom environment and crafted exciting, worthwhile learning experiences for their students welcomed the introduction of LRE. They saw its potential for enriching their instruction and helping them achieve their educational goals. This case illustrates, also, how

easily LRE can be "infused" into such traditional curricular topics as the study of the Middle Ages.

As Maxey Fernlund points out, the quality of the clinical experience depends, to a large degree, upon the quality of the setting in which the experience occurs. The long-term investment that has been made in LRE inservice programs enhances the possibility of being able to identify classroom teachers well steeped in LRE such as the "Mr. Lopez" of Maxey Fernlund's case studies. In detailing the characteristics of clinical sites best suited for advancing law-related education, Maxey Fernlund suggests that one should look at the total school environment as well as at the individual teacher. Here again the groundwork has been laid to enhance the likelihood of being able to find schools with climates and administrative structures congruent with LRE's goals. A key component of the LRE inservice teacher education efforts over the years has been a parallel development of administrative and institutional support for LRE programs. Teams of administrators, teachers, and community leaders have often attended institutes where they participated in workshops covering the substance and processes of LRE and developed their plans for local implementation. Many school districts throughout the country have called upon LRE specialists to assist their administrators and teachers to enhance the impact of LRE in the curriculum. Institutions of higher education can receive help in identifying these school districts through the national projects of the Office of Juvenile Justice and Delinquency Prevention's LRE program.

Naylor's comprehensive and insightful analysis of elementary methods texts suggests how LRE may be (or not be) treated in elementary methods courses. The same type of study of secondary texts would help to further flesh out our knowledge of how LRE is treated in preservice education. Naylor makes a point of the fact that his analysis "suggests" and not necessarily reveals what goes on behind those classroom doors. However, his argument for the ways that the text is likely to influence methods instructors use is convincing. Thus, we would do well to attend to his findings and recommendations.

Naylor concludes with four recommendations or, as he says, "immediate steps that LRE advocates can and should take to increase the prospects that LRE will be meaningfully included in social studies methods courses." These are: (1) obtain current data about social studies methods courses, (2) conduct conferences and workshops for the instructors of social studies methods courses, (3) publish materials specifically for social studies methods course instructors, and (4) establish effective communication links with the authors of social studies methods textbooks. How adequate are these recommendations? What priority ought to be assigned to them? Beyond the relatively small core group of professionals readily identified through the College and University Faculty Assembly of the National Council for the Social Studies, how does one ferret out social studies methods instructors and, then, entice them to participate in the professional development activities Naylor describes? How do the recommended LRE-focused materials for methods instructors get into their hands? Would they use them if they had them? Perhaps the experience of the Joint Council on Economic Education would be instructive.

Implicit in Naylor's argument is the assertion that law-related education must become an explicit part of preservice preparation and that "it" must be properly labeled as law-related education. He noted that he found many examples of strategies and content that he, as a long-term LRE activist and advocate, could readily identify as LRE but that were not so identified by the text authors. Why is such labeling important? What difference does it make if it is labeled as LRE just as long as teachers are taught how to do "it"? One response to that query is that unless teachers are able to identify critical sources for the effective instructional strategies they learn, they will be severely crippled in extending that base. Unless they know that the effective strategies they are learning are integral to quality law-related education, they won't recognize the literature, conferences and sources for new resources and information that are available to them. This awareness can be likened to the time-honored use of the LRE strategy "Mindwalk" which is designed to sensitize teachers and students to the presence of law in their everyday lives. Teachers who have been introduced to "Mindwalk" often acknowledge it as one of those "Ah, ha!" experiences that forever changes their perspectives. Using "Mindwalk," the instructor/teacher says that they are going to tell the group about their morning and charges them to raise their hands whenever they hear something that "has to do with the law." Then, the story begins, "At 6:30 this morning, my alarm clock went off. I jumped out of bed and went into the bathroom where I turned on the faucet and brushed my teeth with fluoride toothpaste ...." Hands immediately shoot up at "6:30" (legally codified time zones) and continue to be thrust into the air throughout the saga from the mention of the "alarm clock" (warranties) to the "fluoride toothpaste" (Food and Drug Administration). Similarly, teachers who are sensitized to law-related education strategies and content as "law-related education" will more readily "see" law-related education and draw upon that resource base for their teaching.

The generally limited- or non-identification of "law-related education," as well as other "special emphasis"

content areas in social studies methods, should be disturbing for another reason than those that Naylor specifically identifies. That reason is that new inductees into the teaching profession should know, at a minimum, that "special emphasis" content areas exist and are having differing impacts upon social studies. Beyond that, they should be equipped to find, evaluate, and use the resources generated by the "activists" within these areas. Certainly, law-related education has made significant contributions to the quality and impact of social studies education over the past several decades and teachers coming into the profession should be informed of this.

These authors have provided convincing evidence to support their claims that law-related education belongs in preservice teacher education programs. They have also identified a broad range of intervention strategies for incorporating LRE into those programs. Which of these strategies are most likely to work in your area's teacher education institutions ? Which strategies would you advocate that LRE project leaders use in supporting institutions of higher education? What other strategies have been successful in enriching LRE offerings in colleges and universities? Let's continue the dialogue.

—C.A.

About the Editors

Charlotte C. Anderson is President of Education for Global Involvement, a Chicago-based not-for-profit organization serving area schools and colleges. Prior to serving as Staff Director of the American Bar Association Special Committee on Youth Education for Citizenship, Dr. Anderson directed the undergraduate teacher education program at Northwestern University. She has designed and conducted numerous inservice teacher education programs and is currently teaching both inservice and preservice teachers in association with the Chicago Teachers' Center, College of Education, Northeastern Illinois University. She is coeditor of *Daring to Dream*, an ABA publication on elementary education and author of the article "Global Education and the Community" published in *Global Education: From Thought to Action*, the 1991 Yearbook of the Association for Supervision and Curriculum Development. Dr. Anderson has served on the Board of Directors of both the Social Science Education Consortium and the National Council for the Social Studies and is currently Vice-President of NCSS.

David T. Naylor is Professor of Education in the Department of Curriculum and Instruction and Director of the Center for Law-Related Education at the University of Cincinnati. He has been a member of the Advisory Commission to the American Bar Association Special Committee on Youth Education for Citizenship for seven years and is Chairman of the Teacher Education Board. Dr. Naylor coauthored the textbook *Elementary And Middle School Social Studies* and has written more than thirty articles dealing with law-related education. He is active in the National Council for the Social Studies and is a former chairman of its Publications Committee. Dr. Naylor also taught social studies in New Jersey for eleven years.

Conference Participants

Charlotte C. Anderson
Evanston, IL

Lee P. Arbetman
National Institute for Citizen Education in the Law
Washington, DC

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Brockport, NY

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Norman, OK

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Amherst, MA

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Southboro, MA

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Boulder County Bar Association
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University of Georgia
Athens, GA

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Michigan State University
East Lansing, MI

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Boise State University
Boise, ID

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Hon. Michael McKinley
Ashland County Juvenile Court
Ashland, OH

Norma McKinley
Ashland City Schools
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American Bar Association
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Cincinnati, OH

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California State University at Northridge
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Cincinnati, OH

Mary Naylor
Montgomery Elementary School
Cincinnati, OH

Jack L. Nelson
Rutgers University
New Brunswick, NJ

Murry Nelson
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University of Washington
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University of Illinois
Urbana, IL

Stephen A. Rose
University of Northern Iowa
Cedar Falls, IA

David Schimmel
University of Massachusetts
Amherst, MA

Dorothy J. Skeel
Peabody/Vanderbilt University
Nashville, TN

Ronald D. Stephens
National School Safety Center
Encino, CA

Patricia A. VanDecar
Georgia Southern College
Statesboro, GA

Lonnie H. Wagstaff
University of Cincinnati
Cincinnati, OH

Elmer A. Winters
University of Wisconsin/Eau Claire
Eau Claire, WI

Conference Agenda

Working Conference on Preservice Preparation for Teaching Law-Related Education

University of Cincinnati
April 21-23, 1988

Thursday, April 21

3:00 p.m. - 5:00 p.m. **REGISTRATION**

5:30 p.m. - 6:30 p.m. **RECEPTION**

6:30 p.m. - 8:30 p.m. **DINNER SESSION**

Moderator: David T. Naylor
Chair, Teacher Education Board
Professor, University of Cincinnati

Welcomes: Lonnie H. Wagstaff, Dean
College of Education
University of Cincinnati

Mabel C. McKinney-Browning
Staff Director, Special Committee on
Youth Education for Citizenship
American Bar Association

The Delinquency Prevention Inservice Education Effort of the OJJDP/LRE Project

Speaker: Lee P. Arbetman, Deputy Director
National Institute for Citizen
Education in the Law

Law-related education has experienced considerable success in institutionalizing LRE in the schools through extensive inservice teacher education efforts. Under the auspices of the Office of Juvenile Justice and Delinquency Prevention's LRE and delinquency prevention project, these inservice efforts have been extended and refined. This speaker will examine what has been learned about teacher education through this project.

The Challenge of Teacher Education Reform

Speaker: Hendrik Gideonse, Professor
University of Cincinnati

After a spate of reports focusing on school reform, renewed attention is being given to teacher preparation and competencies. This speaker will review national developments and provide insights into teacher education in a democratic society.

Friday, April 22

8:30 a.m. - 8:45 a.m. **PLENARY SESSION**

Setting tasks

Moderator: David T. Naylor

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8:45 a.m. - 10:00 a.m. **PANEL SESSION I**

Research and literature in related areas

These panelists will provide an overview and critical examination of approaches in three educational areas and address LRE's "fit" and/or contributions.

1. Critical thinking: Frederick A. Rodgers
University of Illinois

2. Civic competency: Jack L. Nelson
Rutgers University

3. School climate: Mary A. Hepburn
University of Georgia

10:05 a.m. - 10:50 a.m. PANEL SESSION II

LRE-focused Research

These panelists will review key research directly focused on LRE and will discuss implications for preservice education.

1. The OJJDP/LRE Evaluation on LRE and Delinquency Prevention:
Robert M. Hunter
University of Colorado

2. Other, general LRE research:
Dorothy J. Skeel
Vanderbilt University

Facilitator: Dorothy J. Skeel

10:50 a.m. - 11:00 a.m. **BREAK**

11:00 a.m. - 11:45 a.m. **SMALL GROUP DISCUSSIONS**

PROCESS: Small groups will be formed to enable participants to further reflect on the topic addressed by this and subsequent panels. Group and room assignments will be announced.

This small group session will focus on the following questions: What are implications of the literature/research and foregoing analyses for LRE preservice teacher education? What is the research base from which we begin? What do we know and what do we need to know? What should be the research agenda relating to preservice teacher education?

11:50 a.m. - 12:35 p.m. **PLENARY SESSION**

Reports from small groups and general discussion

Facilitator: Dorothy J. Skeel

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12:45 p.m. - 1:45 p.m. **LUNCH SESSION**

Moderator: David T. Naylor

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2:00 p.m. - 3:00 p.m. **PANEL SESSION**

What do teachers need to know?

What skills/attitudes/knowledge should teachers acquire in preservice teacher education programs in order to teach LRE in elementary, middle, and secondary schools?

1. Elementary: Arlene F. Gallagher
Boston University

2. Middle: Charles E. Butler
University of Oklahoma

3. Secondary: Stephen A. Rose
University of Northern Iowa

Facilitator: Arlene F. Gallagher

3:00 p.m. - 3:10 p.m. **BREAK**

3:10 p.m. - 3:55 p.m. **SMALL GROUP DISCUSSIONS**

The groups will examine the knowledge, skills, and attitudes common to all three educational levels and the knowledge, skills, and attitudes that may be specific/unique to each.

4:00 p.m. - 4:45 p.m. **PLENARY SESSION**

Reports from small groups and general discussion

Facilitator: Arlene F. Gallagher

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Saturday, April 23

8:30 a.m. - 8:35 a.m. **PLENARY SESSION**

Overview of the Day

Moderator: David T. Naylor

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8:35 a.m. - 9:45 a.m. **PANEL SESSION**

The college/university context

Where can LRE be effectively incorporated into the preservice program and how might it best be accomplished?

1. Foundations:
   Louis Fisher
   University of Massachusetts

2. History and the Social Sciences:
   E. Walter Miles
   San Diego State University

3. Clinical/Student Teaching Experiences:
   Phyllis F. Maxey
   California State University

4. Social Studies Methods:
David T. Naylor
University of Cincinnati

Facilitator: Phyllis F. Maxey

9:45 a.m. - 9:55 a.m. **BREAK**

9:55 a.m. - 10:40 a.m. **SMALL GROUP DISCUSSIONS**

The small groups will address the basic question: How can LRE coverage in preservice education be improved? A force-field analysis strategy will be used in exploring this area. Each group will begin by identifying the factors that facilitate and the factors that impede improved LRE in preservice programs then move on to developing strategies for capitalizing on the positive factors and inhibiting the negative factors.

10:45 a.m. - 11:30 a.m. **PLENARY SESSION**

Reports from small groups and general discussion

Facilitator: Phyllis F. Maxey

11:45 a.m. - 2:00 p.m. **LUNCHEON SESSION**

Reviewing where we are and where we should be going

Moderator: David T. Naylor

Discussants: David Schimmel
University of Massachusetts

Michael A. Radz
Chapel Hill-Carrboro City Schools

Charlotte C. Anderson
Conference Consultant